

UNITED STATES OF AMERICA
 NATIONAL TRANSPORTATION SAFETY BOARD
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of: *

M/V COSCO BUSAN/BRIDGE ALLISION *

SAN FRANCISCO, CALIFORNIA * Docket No.: DCA-08-MM-004

* * * * *

Interview of: CAPT WILLIAM UBERTI

Monday,
 January 28, 2008

The above-captioned matter convened, pursuant to
 notice.

BEFORE: BARRY STRAUCH
 National Transportation Safety Board

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1 I N T E R V I E W

2 MR. STRAUCH: Okay -- 28th, and we're interviewing
3 Captain William Uberti. This is Barry Strauch with the
4 National Transportation Safety Board.

5 INTERVIEW OF CAPT WILLIAM UBERTI

6 BY MR. STRAUCH:

7 Q. And, Captain Uberti, you agree to be recorded for
8 NTSB purposes.

9 A. Yes.

10 Q. All right. What I'd like to do is, and I understand
11 that you were interviewed previously, and there are areas in
12 that interview that were not covered, and that's the purpose of
13 this interview today.

14 A. Okay.

15 Q. Okay. First, can you tell us a little bit about your
16 background as far as your education and experience -- the Coast
17 Guard up to the present?

18 UNIDENTIFIED MALE SPEAKER: This might a take a while
19 here.

20 CAPT UBERTI: Okay.

21 UNIDENTIFIED MALE SPEAKER: You can give us the
22 abridged version.

23 CAPT UBERTI: No, okay. I graduated, okay, graduated
24 the University of San Diego, a bachelor and master's degree in
25 History. Taught high school for a while. And then went into

1 the Coast Guard in 1978; graduated OCS January '79, okay, in
2 Yorktown, Virginia.

3 First duty station was Marine Safety Office Detroit
4 where I did port safety, port security, marine environmental
5 protection, and a little bit marine inspection. Then I was
6 stationed on Coast Guard Cutter Decisive out of New Hampshire
7 and we did all the standard drug patrols, search and rescue,
8 military readiness, standard, everything, law enforcement, all
9 that. I was a Deck Watch Officer and then First Lieutenant.

10 From there I went to MSO Hampton Roads, and MSO
11 Hampton Roads is where I got all my marine safety and marine
12 environmental protection qualifications, 90 percent of them I
13 got there. I was there five and a half years. And I was the
14 Assistant NER Officer. Then I was Marine Inspector for about
15 three years. I was a Marine Investigator for a couple of
16 years.

17 And then when I finished there, I got picked up for
18 Merchant Marine Industry Training. So, I worked for a small
19 cruise ship company in Norfolk that does the Spirit ships, the
20 Spirit of Norfolk, the Spirit of San Diego, the Spirit of all
21 the, you know, the Spirit ships. Okay. So, I was the
22 Assistant Operations Officer for them for four months.

23 And then from there I got stationed to MSO San Diego
24 where I was the Chief of the Inspection Department. And the
25 high point there when the Exxon Valdez came in for repairs

1 there, so, okay.

2 From there I was sent to Coast Guard Headquarters. I
3 was at Coast Guard Headquarters for four years. Three of those
4 years I was a Cruise Ship Safety Specialist Program Manager and
5 that's where I did cruise ships. And then the last year I was
6 the Port State Initiative Program Manager.

7 From there I got sent to Marine Safety Office Miami.
8 I was two years I was Chief of the Inspection Department, and
9 two years I was the Executive Officer there, okay. And oil
10 spills were not part of my -- well, as the Executive Officer
11 they are, but I would help out the Chief of the what we called
12 the Port Officer with his oil spills, you know, so I was
13 exposed to them that way then.

14 From there I went to, what are we up to? What is
15 that San Diego, no, Miami.

16 BY MR. STRAUCH:

17 Q. Miami.

18 A. Miami. Okay from Miami I went here to D-11/PAK Area
19 (ph.) as the Assistant Chief of the Marine Safety Division for
20 PAK Area and D-11. And that's when 9/11 hit and all that
21 business here, okay?

22 And then from there I was the Commanding Officer,
23 Marine Safety Office San Juan, Puerto Rico. We had a large
24 grounded ship that took place there. Besides all the security
25 and everything else we had to do for this Bureau interest, we

1 had a grounded crate ship at the entrance of the harbor that we
2 had to deal with. So, we took care of that. And then also we
3 had a grounded chemical ship they dealt with while I was there.

4 Okay. And then from there -- oh, and then when I
5 became an Inspector, I became, the last nine months I was an
6 Inspector, Deputy Inspector Commander in San Juan.

7 And from there I got to sent to San Francisco here
8 where I was at the at the CO in the Marine Safety Office for
9 the last two months until we made the sector, and then I was
10 the First Sector Commander for Sector San Francisco.

11 Q. Okay. What was your assignment on the day of the
12 Cosco Busan accident?

13 A. I was the Federal On Scene Coordinator, which was one
14 of my five titles I have besides being the Commanding Officer
15 of Sector.

16 Q. Okay. Could you kindly explain what each of the
17 titles were, each of the --

18 A. Sure. Okay. Okay. Okay. The Second Commander
19 isn't one of these, but he's in charge of all the military,
20 civilian, reserve personnel, like any military commander would
21 have. He's got control of his own people, okay. Then I wear
22 five titles, five hats that give me control over the maritime
23 community. One is called, I'll do the easy one first. One is
24 the SAR Mission Coordinator, the Search and Rescue Mission
25 Coordinator in charge of all search and rescue missions. Okay.

1 In my zone, it gets a little complicated because it
2 depends on what mission we're talking about. Okay. My Zone
3 for SAR codes goes from just below Monterey to San Francisco,
4 up to below Eureka. Okay. And then all these other hats I
5 wear go from the Oregon border down to the same there and then
6 inland all the way to Wyoming. Okay.

7 So, the next one I am is the Federal Maritime
8 Security Coordinator in charge of all Security Operations
9 during that period, okay, and Area Maritime Security Plan, and
10 all that business, the Chairman of the Area Maritime Security
11 Committee. Okay.

12 Next is the Federal On Scene Coordinator. That deals
13 with oil and chemical spill response. Same area for that.
14 Okay.

15 Next is the, let's see, I got Federal. Next is the
16 Officer in Charge Marine Inspection, in charge of all marine
17 inspection from, and casualty investigations from the Oregon
18 border down to -- and inland.

19 What's the other one. Let me think there.

20 Q. You got SAR Mission Coordinator, Federal Maritime
21 Security Coordinator.

22 A. Oh, Captain of the Port. Yes, I forgot. Yeah.
23 Because we use all these interchangeably. Okay. I'm the
24 Captain of the Port. Captain of the Port controls all the
25 traffic in and out of all the ports. There's about 10 ports,

1 okay? Okay. All the ports. And can open and close any. So,
2 he can close the ports, open the ports, okay, all that kind of
3 stuff. So, you can see a lot of these authorities overlapped
4 with each other and you kind of use a lot of these titles
5 almost interchangeably. So -- and tell them what title I
6 used --

7 Q. Okay.

8 A. Anyway, that's the authority a Sector Commander has.
9 So, he has his own command and then the control of the maritime
10 community through those five hats.

11 Q. Okay. The Captain of the Port, as Captain of the
12 Port, you were Captain of the San Francisco port or all the
13 ports?

14 A. All the ports.

15 Q. And what are some of the ports that included?

16 A. Okay, Eureka, okay, San Francisco, Oakland and
17 Richmond, off the -- Sacramento, Redwood City, Stockton,
18 Monterey, and every other port in that --

19 Q. Are you still a Sector Commander?

20 A. No.

21 Q. Okay. And when did you --

22 A. November 28th, 2007.

23 Q. That was your last day as Sector Commander?

24 A. Right.

25 Q. What was the first day as Sector Commander?

1 A. Let me, that my mother's birthday, August 26th, 2005.

2 Q. August 26th. Okay. Are there any areas of
3 responsibility of Sector Commander that you didn't list in
4 here, that you left out? For example, VTS?

5 A. That's part of Marine Safety. VTS is, okay, this
6 gets a little completed. The VTS, when the Marine Safety
7 Office was there was an independent command that worked for the
8 Marine Safety Office. When we made the sector, okay, the VTS
9 was incorporated into the sector. Okay. So, it's not an
10 independent command anymore, it's part of the sector. Okay.
11 Not that it makes any difference, I mean, we still have control
12 over it either way because Vessel Travel covers --

13 Q. Okay. And, so --

14 A. When I said as Captain of the Port I got control of
15 all shipping, the major way we use that is through the VTS
16 because VTS talks to them and all that. See, if I was going to
17 tell a ship it can't come in, I'd call the VTS and VTS would
18 order the ship over the radio not to come in, see. Same way,
19 if I told a ship to move from here to here, the VTS, we'd give
20 the order to them but the VTS would more or less direct them to
21 do that.

22 Q. Okay. So, the oversight that you exercise as Captain
23 of the Port, you use the VTS to communicate part of your --

24 A. To the ships, yeah, sometimes. We can call them
25 directly sometimes. But the VTS is in charge of tracking every

1 single ship, a commercial ship in the port, okay. So, that's
2 what they do.

3 Q. Does the VTS do anything else other than just
4 tracking?

5 A. Communications, if there was an issue they would pass
6 that on, -- communication, that kind of stuff.

7 Q. Does VTS have the authority to order a ship to move
8 in a different direction?

9 A. They can. Generally they don't do that. They can.
10 Because they're like an organ of me, you see. So, if they
11 wanted -- if they were going to do something like that and they
12 had time --

13 Q. Um-hum.

14 A. -- they would call me, you know, and say, because
15 technically they got to give them a Captain of the Port order
16 to do that. You know, and, so, they would call me and say we
17 got an issue here, or this guy, you know, won't move or da-da-
18 da, Captain, and then I'd say, give him a Captain of the Port
19 order to do that, you know, and they'd do it. Now, if it's an
20 immanent thing, you know what I mean, it's a -- they can do
21 that, yes. Normally what they do is -- we do what you would
22 call respect the mariner. The two -- everyone here is a
23 professional mariner here. So, you would just call them and
24 ask them their attentions or call them and say do you know this
25 guy is here or, you know, that kind of stuff, you know, and let

1 them kind of figure it out. You know, if they're close
2 together and they're not figuring it out, then they would take
3 more action. They wouldn't just let two people hit each other
4 if they're on a collision course --

5 Q. Okay.

6 A. But normally, they would just -- we'll call them and
7 say, do you know this guy is here, and then, of course, they're
8 going to take evasive action.

9 Q. And does anyone in VTS have authority to do that or
10 does only one person on duty have that authority to order a
11 ship if something is imminent?

12 A. I would say normally the Watch Supervisor, I can't
13 really answer that, to tell you the truth. I might -- without
14 looking at their doctrine, but my guess is that the Watch
15 Supervisor they would tell the Watch Supervisor there and he
16 would give the --

17 Q. Did anyone in VTS on duty the day of this accident
18 order the Cosco Busan to move away from the bridge?

19 A. Move away from the bridge?

20 Q. Yeah, to change directions so as to avoid colliding
21 with the bridge?

22 A. What they did was they saw him paralleling the bridge
23 and that wasn't the right course to be on. So, they called him
24 and asked him what are you doing? What are you intentions,
25 okay? And he said I'm going to turn right, meaning align

1 myself up with the bridge, okay, and they said okay, you know.
2 And then once he committed himself to doing that, then that
3 was, there wasn't too much you could do about it. So, that's
4 what they did. They did their job. As far as I'm, I mean,
5 it's kind of ironic to me because as far as I'm concerned, the
6 VTS did exactly what they were supposed to do. They saw a
7 person acting erratically, called him and asked him his
8 intentions to find out what he was doing and once then the guy
9 says, oh, yeah, no, I'm going to turn right. And that's -- and
10 so as far as VTS was concerned, that was good.

11 Q. Um-hum. Okay. Shouldn't VTS have ordered the vessel
12 to alter course in addition --

13 A. They couldn't have, you know, you can't turn on a
14 dime. Once he turned, he was committed.

15 Q. Um-hum.

16 A. See, you can order him all you want, he can't do it,
17 you know. So, but once he turned he was committed and all
18 that, see?

19 Q. Um-hum.

20 A. So, and the other thing the VTS isn't going to do is
21 when you're in the middle of a critical turn, you don't want to
22 be having all these conversations with the VTS because you got
23 to be concentrating on what you're doing. You don't want this
24 radio blaring in your ear. Okay? See? So --

25 Q. Um-hum. Since you took over as Sector Commander in

1 August of '05, how often has someone in the VTS called you for
2 permission to order a vessel to do something --

3 A. Once, but rare, very rare.

4 Q. Okay. Do you remember the circumstance?

5 A. I mean, I don't even remember, I mean, I don't even
6 remember. I mean, it was pretty rare. Yeah, I think one time
7 we might have called them and told them to give this ship a
8 Captain of the Port order, something that they weren't already
9 planning on doing, you know, and we told them that. But other
10 than that, it's pretty rare.

11 Q. Now, in your responsibilities that you also, well,
12 what -- could you describe the responsibilities in terms of the
13 ships -- pilots --

14 A. Okay.

15 Q. -- in terms of their performance, their licensing and
16 so forth.

17 A. Okay. Well, okay, we got to be careful here because
18 the pilots have two licenses. They have a Federal license and
19 they have a State license, okay. So, naturally, my REC, my
20 Regional Examination Center regulates, and my Investigating
21 Officers, okay, regulates. One gives them the license. The
22 other one can take it away. Okay, you know? Their Federal
23 license, okay? So, rarely are these pilots operating under
24 their Federal license. Most of the time they're operating
25 under their State license. So, the way we "regulate" them,

1 let's say they screwed up. Let's say they grounded a ship
2 and -- while acting under their State license. So, I can't
3 take their Federal license away because of case law now. We
4 tried. Because to get a State license you have to have a
5 Federal license, but it didn't pass the State one. So, we
6 can't take action against their Federal license. But we can
7 take -- we can put civil penalties against them and that's what
8 we would do. And that's the first thing that we can do. The
9 second thing we can do is we can recommend action to the State
10 Pilots Board. And normally that's what, we do both of those
11 things, normally.

12 Q. So, you cannot, let me see if I understand, you
13 cannot take action against the pilot but you can provide civil
14 penalties?

15 A. You can't take action against a pilot's State license
16 because we didn't give it to him. Okay? You know what I mean?
17 So, okay, so I can't take action against the State license. I
18 can take action against a pilot for negligence or gross
19 negligence, and that's a civil penalty or a criminal penalty, I
20 mean, you know, depending upon what it is. Okay. And I can
21 recommend to the State Pilots Board to take his license away or
22 to fine him or to suspend, you know, that kind of.

23 Q. Okay. And how often have you done that, recommended
24 that the State Board take action against a pilot?

25 A. Actually, that I can't answer. Captain Wheatley can

1 answer that question. I -- but I'm trying to think the last
2 time we had -- I think it was this pilot when he grounded the
3 ship in the Antioch, I think we did that. We took action
4 against him. And this is, you know, I can't remember, but this
5 is standard practice against, for any pilot that would ground a
6 ship or something --

7 Q. So, you remember one incident where you recommended
8 action against this particular pilot, Captain Cota?

9 A. I think so. I think so. See, most of the stuff,
10 what happens here is, the way I do it with the Investigations
11 Department, I tell them, big things I want to know about, you
12 know. I mean, you know, that's -- because I meet, I deal with
13 the pilots. I get their -- so, you know, I like to know what
14 we're doing. So, you know, and so, on big things I find out
15 about. But the sector is so busy, I mean, it's not like I can
16 remember ever time we went up against a pilot, okay. So, I can
17 tell you that's what we do when we do go up against a pilot.
18 Okay? But I can't remember on this day we got this pilot for
19 the X, you know, okay.

20 Q. Well, can you give us just a rough idea of how often
21 you recommended that action be taken against a State pilot by
22 the State and when you, and you --

23 A. I'm going to try to think, maybe I think twice a
24 year. I mean, I'm just thinking roughly --

25 Q. Okay.

1 A. -- maybe twice a year.

2 Q. Okay. What would you expect of a State to do to
3 monitor the performance of the pilots and would determine if
4 the pilots performance starts deteriorating over time? What
5 would you -- that would be?

6 A. Now we're getting into a sticky place. You know,
7 it's hard for me to say what do I expect the State to do, you
8 know. I mean, this is kind of like, you know, you're asking me
9 to give you an opinion, I mean --

10 UNIDENTIFIED MALE SPEAKER: That's one of the advices
11 they were talking about --

12 CAPT UBERTI: Yeah.

13 UNIDENTIFIED MALE SPEAKER: That's one of the things
14 that I don't know if the CAPT can really give you that kind of
15 opinion.

16 CAPT UBERTI: Yeah, I mean --

17 UNIDENTIFIED MALE SPEAKER: Give you an
18 appropriate --

19 CAPT UBERTI: Yeah.

20 UNIDENTIFIED MALE SPEAKER: They probably have the
21 requirements set in stone what they expect of their pilots.

22 CAPT UBERTI: Or you can generally answer, if he
23 wants a general answer, the way I would treat a Federal pilot,
24 I would expect them to treat a State pilot. So, in other
25 words, if he was acting on his Federal license and the action I

1 would take against him for doing the same thing, I would ask
2 the State. Usually, though, we would, we make our
3 recommendation, it would be a reciprocal recommendation to
4 them.

5 BY MR. STRAUCH:

6 Q. Okay.

7 A. Okay? I mean, that's a good way to say it like that.

8 Q. Okay. Do you -- how closely did you work with the
9 State to insure that the pilots are exercising safe practices
10 in both your State and Federal licenses?

11 A. Well, see, you got to be careful here again. You
12 know what I mean? If they're operating under their State
13 license, they're not under my jurisdiction.

14 Q. I understand.

15 A. You know, so, again, you know, I know the -- I know
16 Ray Paskel (ph.), who's the lawyer. And I know all these guys.
17 I work with them all the time, you know, so, we have
18 relationships with each other. So, I can tell you that. Okay?
19 So, we talk. I can tell you that. But I don't tell Ray what
20 to do, okay, you know, so. He gets my recommendation and he
21 can take it or leave it. Okay?

22 Q. Okay. When you -- the REC, that was under your
23 responsibility as well?

24 A. Correct.

25 Q. Okay. What would you expect the REC to do when a

1 pilot submitted an application that contained medical
2 information?

3 A. We should have procedures for that. The REC should
4 have procedures for that, okay, you know, and would tell them
5 what to do. You know, they're supposed to review it, make a
6 recommendation, or, you know, decide if a waiver is needed.
7 And then if a waiver is needed send it to the National Maritime
8 Center and request a waiver.

9 Q. Um-hum. Would you expect the REC to follow-up with
10 the physician that's on the form, or other physicians listed on
11 the form?

12 A. See, now again, I don't get into the weeds like this
13 with the REC, you know. See, so this kind of stuff takes place
14 like under --

15 Q. Um-hum.

16 A. -- my, like I'm up here. Those guys are like over
17 here. You know, you see? So, like if you're asking would I
18 expect them? Yes. Okay? You know.

19 Q. Um-hum.

20 A. Okay. Well, you asked to follow-up with the
21 physician, you know, I don't know. Because see you'd have to
22 ask -- I don't know if they would do that. George -- would be
23 able to answer that question.

24 Q. Okay. And we're going to talk to him on --

25 A. Yeah.

1 Q. -- Thursday.

2 A. Yeah. I would expect them in general to follow the
3 timelines from National Maritime -- Okay.

4 Q. Now, this accident happened on November 7th, I
5 believe.

6 A. Correct.

7 Q. On November 6th, when did you anticipate that you
8 were going to retire from the Coast Guard?

9 A. Well, okay, let's see. I was going to finish the
10 Sector Commander, okay. Then I was going to go over to -- Area
11 and that would have been 2009. If I would have retired, 30 and
12 a half years would have been 2009, June, end of June. And then
13 they were telling me because they need Marine Safety Officers
14 so bad, they were going to extend for me as long as I wanted.
15 In other words, they were going to give me three more years if
16 I wanted it, you know, and all that kind of stuff.

17 Q. Um-hum. Now, what changed your plans?

18 A. Well, the Admiral changed my plan, you know.

19 Q. Which Admiral?

20 A. Admiral Bone.

21 Q. What'd he tell you?

22 A. Let's see. He told me that, okay, what are we
23 talking about now? We're talking about retirement, right?

24 Q. Yes.

25 A. Because there's two steps. Okay. So, we're talking

1 about retirement. He told me that, well, he called me in his
2 office and, you know, it was, was it the 27th or something,
3 around that time, okay. He called me in his office and he said
4 I'm not happy about, he named two cases. He named this case
5 and he named a search and rescue case that we had where we lost
6 a guy. Okay. And he said I didn't like the way you followed
7 procedures. And then he says, you know, your area contingency
8 plan was, you know, didn't have a section for volunteers. He
9 said your communications with the city was not good. He said
10 stuff like that. I mean, I'm trying to remember it all.
11 That's --

12 Q. Could you just describe the SAR case that he
13 commented on?

14 A. We had, yes, we had, you know, California, this was
15 another foggy night, okay, you know. There was a fishing
16 vessel fishing up off of Bodega Bay, right in that area, right
17 at the end of the vessel traffic zone, okay, the very end of
18 the northern part of the vessel traffic zone, below Bodega Bay.
19 And he was fishing up there by himself. And what happened was
20 late at night we got a call from -- the VTS got a call from a
21 ship, a small freighter heading north that said I think I just
22 hit a fishing vessel. So, the, okay, now, okay, we got the
23 VTS. Now VTS called the Command Center. The Command Center
24 can't talk to them. So, they called the Command Center. Okay?
25 So, the Command Center is talking to VTS who's talking to the

1 ship, okay? All right. Okay. So, they're doing it that way.
2 And they said, what do you mean you just hit, you know, hit the
3 ship? And basically what they got back was the guy said, well,
4 the reason why I thought I hit it was because I lost
5 communications with him. But then he says I regained
6 communications with him and I think we're okay, and all this
7 sort of stuff.

8 So, we initially ordered boats and ships out to look
9 for the person, but because -- I'm summing this up. It's a
10 little more complicated than this. Okay? But because he
11 convinced us that he didn't and we were able to account for the
12 fishing vessels. You can barely pick them up on the radar off
13 the VTS up there, you know. And that the other fishing vessels
14 that were there didn't know about this guy that was there. So,
15 we thought, as best we could, we accounted for everybody and
16 all that. Well, okay, so what happened was the next day they
17 found him, okay, and all that. And, so, you know that was --
18 that didn't go well.

19 Q. What was the approximate date of this particular
20 case?

21 A. The Admiral, when was the Admiral's change of
22 command? It was end of June. My guess is July. This was July
23 2007.

24 Q. Okay. When was your most recent, you call them
25 fitness reports or OERs?

1 A. OERs.

2 Q. When was your most recent OER?

3 A. You guys wanted a copy of it.

4 Q. Yes.

5 A. Hang on.

6 Q. Thank you.

7 A. 1 April 2006, to 4 April -- 30 April 2007. That's my
8 last one.

9 Q. And what was the rating you were given?

10 A. Well, I mean, everything was great, recommended for
11 flag at next -- Sector Commander, da-da-da-da-da.

12 Q. Really?

13 A. Yeah. Okay. And this one I'm just going to do an
14 OER for continuity. So, you don't have to, if you're going to
15 retire, you don't have to go through all these aggravations,
16 but they gave me a medal --

17 Q. What medal was that?

18 A. Meritorious Service Medal.

19 Q. Okay.

20 A. And that's -- that's right here.

21 Q. What were your accomplishments that earned you the
22 medal?

23 A. Do you want me to read the citation? Captain Uberti
24 is cited for meritorious service in his performance of duty as
25 Commanding Officer of Marine Safety Office San Francisco Bay,

1 and Commander Sector San Francisco, California, from July of
2 2005 to November, they wrote 2008. It's supposed to be 2007,
3 upon his retirement after 29 years of dedicated service
4 demonstrating visionary leadership with extraordinary
5 performance. Was instrumental in the successful establishment
6 of Section San Francisco, California, and development of the
7 unit as a nationwide leader across an entire range of Coast
8 Guard missions. His efforts resulted in the smooth transition
9 of three -- units into one cohesive sector that better serves
10 our external customers and created a much more effective
11 unified Coast Guard Command in one of the largest and busiest
12 sectors in the Pacific area. Under his superior leadership, a
13 large and diverse, yet highly cohesive area of Maritime
14 Security Committee has achieved tremendous cutting edge
15 successes, including the Port of Oakland, California, Worker
16 Access Control System implemented well ahead of the yet to be
17 rolled out nationwide identification criteria and a model of
18 government/industry/labor cooperation. New ferry routing
19 proposals in the first ever joint Coast Guard/Customs Order
20 Protection Targeting Incentive, U.S. Inspectors, as well as
21 planning and execution of numerous high profile and complex
22 operations, including a three week event of Major League
23 Baseball All Star Game, and internationally televised two week
24 long whale marine operation in the Sacramento River, and the
25 well publicized five day search of the fishing vessel

1 Tenacious. Captain Uberti's dedication to -- duty while Pilot
2 in Command and keeping the -- of Coast Guard the operational --

3 Q. Who signed that?

4 A. Admiral Bone.

5 Q. The same person --

6 A. Yeah.

7 Q. -- that called you in?

8 A. Yeah.

9 Q. What was the date of that medal?

10 A. He signed it 16 January 2008.

11 Q. '08?

12 A. Yeah.

13 Q. Just a minute.

14 A. Because they didn't do my retirement ceremony --

15 Q. Okay. What was your feeling as to the reason Admiral
16 Bone asked you to retire?

17 A. Well, the Admiral wasn't happy with the way -- well,
18 let me put it this way. The Coast Guard was, if you guys
19 followed this, you know we were under tremendous pressure from
20 the Chronicle, really the newspapers. And then what happened
21 was, and then the politicians started get one, first one, then
22 two, first Congresswoman Pelosi. Congresswoman Pelosi was good
23 in the beginning but then she switched, okay. And then the two
24 Senators got on there. Then the Mayor, well, it was also the
25 Mayor was the first. Okay. The Mayor and then that. So, all

1 this is building more and more and more and more and more
2 pressure on the Coast Guard. And then all the press was doing
3 it.

4 So, if you looked at this, you would think a couple
5 of things. You would think one, we never talked to the City of
6 San Francisco or anyone else, okay, where reality is we have
7 excellent relationships with all the worker --. We know them
8 all by their first names. We work them all the time. Okay.
9 All the cities, not just San Francisco. Okay. And then you
10 would think the response to the oil spill was terrible, you
11 know. And this was one of the best oil spill cleanups ever for
12 something that's, we got, the first day we got 8,000 gallons.
13 That's unbelievable. We cleaned up 40 percent of the spill.
14 You're lucky if you get five percent, you know, okay. So, this
15 was -- and we had every skimmer, every oil recovery anything
16 known to man in San Francisco Bay. You know, I mean I got the,
17 you know, the facts here on exactly how many boom boats and,
18 what, you know, every day and all this business if you want to
19 go through all of that.

20 So, in other words, but you would never get that from
21 the paper, okay? So, what the paper was upset about was, was
22 the city was mad that they didn't get a personal phone call,
23 the Mayor, himself, didn't get a personal phone call in the
24 beginning. That's a part of it. And then there was this
25 volunteer business that they were upset about and all that.

1 And because of that, that brought tremendous pressure on the
2 Coast Guard and the Coast Guard doesn't like bad press,
3 especially right now, because the Commandant has got other
4 issues he's dealing with in Washington, you know, and this
5 doesn't help, you know, that kind of stuff.

6 And then there was a couple of other things. There
7 are a couple things, too, that didn't go exactly right. One
8 was the drug testing business of the crew, not the Master, but
9 of the crew. So, that didn't go.

10 Now, my answer back on all this is, this was a huge
11 operation. We had over a thousand people employed here and all
12 that. So, any time you have a huge operation, not everything
13 runs smoothly. And if this wasn't so, how can I say this, so
14 well televised, so, well, you know, every single thing is being
15 looked at so, so closely, you know, and this thing, like I
16 said, they would have given us another medal, you know, for all
17 this stuff. But because, you know, because of this, you
18 weren't allowed to, I guess you would say, make any mistakes,
19 any mistakes. You know, and, so, when something happened like
20 that, that, you know, that just brought, you know, that was
21 another news story. That's another thing for the Chronicle.
22 The Chronicle is looking for the smoking gun. The Chronicle is
23 looking for, you know what I mean, what are they hiding, you
24 know, that kind of thing. We're not hiding anything. We had
25 press releases every day. We took them out on the boat. We

1 took them out in helicopters. We did, you know, we did press
2 conferences. We did, you know, we told them everything they
3 wanted, you understand what I'm saying? You know, so, you see
4 what I'm saying.

5 So, well, to get back to your question, though,
6 because of the negative press, because all this pressure I
7 guess you would say that the Coast Guard was put under, that, I
8 think, had a lot to do with this.

9 Q. Okay. Well, what did the Admiral say that you did
10 wrong?

11 A. Well, he didn't like the way we handled the
12 volunteers. Okay. Because I told him, the volunteers was a
13 mistake, yeah, I've been, if you want to do that, we'll do the
14 volunteers, you know, make that a separate subject. And he
15 didn't like that, initially how we did the volunteers. Later,
16 you know, we worked it out. We got it all worked out. He
17 didn't like the relationship with the City of San Francisco.
18 But in my opinion, they were asking unreasonably and I wasn't
19 going to do unreasonable stuff with that, okay, you know. But,
20 you know, when they start asking reasonable, we got back, you
21 know, and ironed everything out.

22 Yeah, that's the first two things. What else? He,
23 okay, and the drug testing I told you about. Okay. And what
24 else? He, you know, this is hard to say here. This -- I have
25 to explain something to you. This was not a Federal spill.

1 Now, you guys know the difference between a Federal spill and,
2 you know, where the owner takes responsibility.

3 Q. No.

4 A. You understand? Okay. Under the Oil Spill Trust
5 Fund.

6 UNIDENTIFIED INDIVIDUAL: Open 90 (ph.).

7 CAPT UBERTI: Open 90, under Open 90, whoever spills
8 the oil is responsible for cleaning up the oil, okay? So, the
9 Coast Guard does two things. They check -- the first question
10 is are you going to clean up this oil? And if the answer is
11 yes, then he's in charge of the oil spill, okay, and the Coast
12 Guard oversights him. Okay. Same with the State, exactly the
13 same thing with the State, okay? If you don't do what I want
14 you to do or you're not acting correctly, I give you what they
15 call an administrative order, which is a warning, okay. And
16 then if you still don't do it, then I take over what you call
17 Federalize it and then I'm actually running the day-to-day
18 operations of everything. Okay. All right. And you just pay
19 for it, okay, you know, okay. That's how that works. Okay.

20 In this particular case, the owner hired O'Brien's
21 group to be the Incident Commander, okay, the -- and all that
22 stuff. Now, O'Brien's group used NSRC and NRC, the two best
23 pollution companies you can do. Okay? So, as far as the
24 Federal On Scene Coordinator is concerned, this is -- it
25 doesn't get any better than that. Okay. You got O'Brien's

1 group that know what they're doing hires the two best oil
2 response companies that know what they're doing and, you know,
3 it's great. Okay. So, they maintain, they were the Incident
4 Commander during -- I was the Federal On Scene Coordinator, but
5 he was the Incident Commander, see. Okay. So, I would, as
6 long as he was doing what he was supposed to be doing, okay,
7 you know, and when I wanted him to change course and he changed
8 course, as long as he was doing that, that was fine with me.
9 Okay. Because he was doing what he was supposed to be doing,
10 okay. Okay. The Admiral, I think, now, see here, I'm speaking
11 for the Admiral. You're going to have to really have to ask
12 the Admiral on this, you know, on the --

13 UNIDENTIFIED MALE SPEAKER: Yeah, okay. They'll
14 understand. I mean, you don't want to opine what the
15 Admiral --

16 CAPT UBERTI: Yeah, because I don't want to really
17 tell you, you know what I'm saying here, but, you know, I think
18 he might have wanted me to direct more. But I mean I was over
19 sighting him, you know what I mean. So, I don't really --
20 that's a hard one to say.

21 BY MR. STRAUCH:

22 Q. Well, wouldn't the Admiral have been as familiar with
23 Open 90 as you were, sir?

24 A. Sure. See, besides you got the rules, you got the
25 laws, okay, and then you got the reality of the situation here,

1 okay? You know, let's do the volunteer program real quick
2 here.

3 If you look at the -- you guys are familiar with --
4 pages on volunteers, okay. And what it says is it says that
5 volunteers will not pick up oil off the ground. Okay. They
6 don't do it. They can help clean birds. They can drive you
7 around. They can do all kinds of stuff, but they don't
8 actually get out there and pick up toxic oil, okay? It says
9 that right in the plan. Now, there's a place in the plan for
10 volunteers to walk the beach and he sees oil and the
11 implication is after it's been cleaned up, you know, the
12 residual oil, you know, and you see it, then he can call
13 someone, that kind of stuff. He's not picking the oil up.
14 Okay. The San Francisco people, and the Berkeley people, and a
15 couple of others, okay, wanted to actually pick up the oil.
16 And they weren't going to wait, until, you know, it got done.
17 So, they were out there doing this. Okay. So, my experience
18 has been, you just got to tell them no. So, they say I want to
19 do this. Well, that's -- you can't do that. That's according
20 to the plan, you can't do that.

21 Now, also according to the plan, the State runs the
22 volunteer program. So, this is their responsibility. Okay.
23 So, the -- and now my experience has been in the past with
24 other oil spills is that when you tell them that they get mad
25 and then they just -- and it works, you know. Because that's

1 the plan and we have them do other stuff, okay. But here in
2 San Francisco, there was such a massive amount of people that
3 wanted to do it, that the State just telling them to register,
4 you know, like filing a claim. You're supposed to register.
5 You go and then they kind of tell you a little bit about, and
6 all this other stuff, that wasn't good enough for them, see.
7 And the State kept falling back to well, you can't do it. You
8 can't do it. So, the Admiral is coming to me and going what
9 are you doing about this? Well, you can't, you know, you can't
10 tell the Admiral well, it's the State's job. You know what I
11 mean. To be honest, he knows that, you know. So, he's --
12 saying do something about this, okay. So, in order to do
13 something about this, now we're going beyond the plan. We got
14 to, you know, this isn't what the plan calls for here. So, you
15 want me to tell you how I fixed this? Okay.

16 What I did was I got the contractor, Barry, Barry
17 McFarlands (ph.), the O'Brien's group guy, and I got the State
18 of California person, okay, and we sat down and I said, hey,
19 Barry, let's just pretend, okay, you know, we -- you can do,
20 tell me what you can do. And he says, okay, I can provide
21 suits and I can provide the special dumpsters to put the stuff.
22 Because you got to pick it up. You can't just leave it.
23 That's the other thing, you know, they're picking it up and
24 throwing it in bags and throwing it in trash cans. They were
25 doing crazy stuff, I mean you know. So, I said, okay. I said,

1 State of California, what could you do if we could do this?
2 And they said, we can do the train the trader program for them,
3 okay, and then that would be. So I said, okay, here's what
4 we're going to do. I'm going to pull all the contract labor
5 off the China Beach, which is the largest San Francisco beach.
6 Now, see, I got to stop cleaning up the beach to make the City
7 of San Francisco happy. You see what I'm saying when you're
8 dealing with these volunteers. So, I got to pull the contract.
9 Now, we just revamped and I just ordered up, or Barry just
10 ordered up because I told him I want all the beaches done at
11 once instead of doing one then another then another. Plus I
12 got 1200, 1300 people. We just recalled all -- we're past
13 San Francisco people. We're calling them from Massachusetts
14 here. Okay. You know, they're coming all the way across here.
15 So now we got them all out here. Now I got to pull these guys
16 off of China Beach to put the volunteers into place. But I'm
17 going to do it, you know, okay. So, then the City of San
18 Francisco wants me to hire all their EMTs. All these ones that
19 have this hazmat training already. See, the trouble is,
20 they're firemen, they're EMT, you know, they're ambulance guys,
21 you know, well, you know, I don't need firemen to do an oil
22 spill. You see what I'm saying here. So, this was one of the
23 rubs with the city in the very beginning. They wanted to know
24 why aren't I using all their people. Well, they're not oil
25 spill guys. It's not like you're telling me I got all this --

1 why aren't I using my -- You know what I mean? You're telling
2 me why aren't I using your fireman. Well, I don't need
3 fireman. Okay, you understand? So, it's not that I don't want
4 to work with you, or I don't want to help you, it's just that I
5 can't use that resource that you're giving me. See, well, the
6 Admiral gets mad that I'm not cooperating with them, you see.
7 But to me that's an unreasonable request, you know. I will
8 cooperate with you, but I can't do that, okay. So, what I told
9 him was, I go, here's what we'll do. I'll give you China
10 Beach, which is your beach. I'm going to let the -- we'll have
11 the San Francisco -- we'll have the State do the volunteer
12 training and give you the crash course, the four hours hazmat
13 training. And then I'll have the O'Brien's Group send out 300
14 suits, whatever number you give me, okay, and the dumpsters,
15 okay, and then your EMT people, your qualified people can
16 supervise these guys. See, so I have San Francisco supervisors
17 supervising San Francisco volunteers on a San Francisco Beach,
18 you know. I figured that's a good solution. And then I gave
19 the details to work that out to the city. I go you guys want
20 to plan, okay, you work out the, you figure out how many
21 supervisors per person. How are you going to account for all
22 these guys, you know, this is like you want to do this, okay,
23 you know, this is what it takes to do. And that worked out.
24 That's just -- but it took four days, five days, you know what
25 I mean, to get that in place because we had a, you know, you

1 don't just pull it out because there were contract issues.
2 Like O'Brien's Group was telling me I can't have volunteers
3 right beside paid guys here. For some reason, you know, the
4 contract, you know, I'll lose my insurance, da-da-da-da. You
5 know what I mean? See, so I had to pull all these guys off the
6 beach. You know, I couldn't have them like you clean half, you
7 clean half, you know. You see?

8 So, we had to work all these details had to be worked
9 out. You don't just order things and things are done. You
10 know, you got to stick it out here, you know, and that's -- and
11 I had to get these guys because we're going outside the box
12 here and so that's, but anyway, so that's how we did the
13 volunteer program.

14 Q. Were you surprised when the Admiral asked you to
15 retire?

16 A. Oh, yeah. Okay. I was very surprised to tell you
17 the truth?

18 Q. Why?

19 A. Because -- I wasn't expecting that. See, what I told
20 the Admiral was I said, Admiral, I know some mistakes were
21 made, but none of these mistakes are at the level that you
22 would release somebody. They're mistakes that after a big
23 operation is done, you do lessons learned, you know what I
24 mean? You go out there and say, okay, this happened and we did
25 this. Maybe we could have done this better. That's, you know

1 what I mean, that's what I told him. So, what I told the
2 Admiral, well, I'm not going to be relieved, you know, so I'm
3 going to retire. I'm not going to have a black mark on my
4 record, you know. So, I said I'll just retire. He said, okay,
5 you can retire. They had some lawyers there and all that and
6 he said you can retire, he said okay. And, so, I put in my
7 letter, well, you know, they drafted it for me, you know. And
8 it was approved the next day, then that was it, you know.

9 Q. And when -- was that the effective date of you --

10 A. Well, that was the day I stopped being the Sector
11 Commander. My actual date when I'm finished with the Coast
12 Guard is the last day of April because you got leave, you got
13 all the --

14 Q. Oh, I understand.

15 A. So, technically, I'm still on active duty. Well,
16 really, I'm leave today, but, you know, I'm on --

17 Q. And that's why you're in uniform and everything.

18 A. Right.

19 Q. What went wrong with the drug testing?

20 A. This is another good story. Okay. What happened
21 was, okay, for the Master, when the President of the Pilots
22 Association called me at 8:37 to tell me that the Cosco Busan
23 incident happened he also told me that I'm going to go out
24 there. I'm going to take the Pilot off, Cota, and I'm going to
25 drug and alcohol test him myself at the pilot office, at the

1 pilots station, Pier 9. So, I said okay. All right. So,
2 that's how the pilot got tested, all right.

3 Now, when this happened, okay, we rolled out the
4 pollution team right away. And then we rolled the Marine
5 Inspectors. I said get the IOs out there. Okay. So, the, --
6 officers got on board and she alcohol tested the ship people as
7 soon as she could. Now, the rule is two hours unless there's a
8 good reason. And because they were moving the ship from 7 to
9 9, anchorage 7 to anchorage 9, it ended up that -- was -- so,
10 she alcohol tested them. And that went fine. Negatives with
11 all that. Okay. Now, the -- Oh, first of all, the ship is
12 supposed to alcohol test within two hours. Now, my IO just did
13 it, okay, but the regulation is on the ship to do it, you see?
14 Of course, if we didn't do it I never would have heard the end
15 of it, okay, you know what I mean. But the regs say it's the
16 ship's responsibility, as is the drug testing. It's the ship's
17 responsibility to drug test the appropriate people. Okay. All
18 right.

19 So, here's what happened. The Investigating, the
20 other Investigating Officer goes onboard, okay, and to make
21 sure the drug testing gets done, okay. And he calls the agent
22 and the agent says yes, we're going to drug test the crew and
23 all that. So, he gets onboard and he sees the agent's
24 representative there with about seven pee bottles, okay, and
25 okay. So, he asked did you just drug test the crew? The

1 answer is yes. Okay. So, they do the Master first. He
2 watches the Master being done, or watches him come out of the
3 head. I don't know if he watches him pee in the jar. Okay,
4 you know, okay, but he has the staff -- okay. And then when he
5 saw that, he went off and did other Investigating Officer stuff
6 on the ship, okay, because, you don't have to watch them, you
7 know what I mean.

8 So, anyway, so what happened was a day goes by or so
9 and he calls them and says can I have the chain of custody for
10 the drug tests. So, he sends the Masters chain of custody for
11 the, you know, for the sample. He says where's the chain of
12 custody for the rest of the crew? He says, well, we didn't the
13 rest of the crew. What do you mean you didn't do the rest of
14 the crew? You said you were going to do the rest of the crew,
15 you know, and all that business. He says get down there and do
16 the rest of the crew. Okay. But now we're outside the window.
17 Okay. So, they did the rest of the crew. It came up negative.
18 Okay. So, it wasn't an issue. But see here go, but in the
19 station, Barbara Boxer, Senator Boxer says I can't believe,
20 they could have been smoking dope on that, you know, all that
21 you see is that she hypes it up even more in the paper and all
22 that. See, so now -- this was really no big deal. Drugs had
23 nothing to, illegal drugs, okay, had nothing to do with the
24 incident, okay, but you would never get that, you know what I
25 mean, from reading the, you know, all this --

1 Q. What about the pilot, was he tested right away?

2 A. Right away, yes. And negative on all that.

3 Q. Okay. When did your IO interview the pilot?

4 A. When did he interview the pilot? That day. He tried
5 to interview him that day. Yeah. Yeah. He tried to interview
6 him that day and he wouldn't be interviewed without his lawyer.
7 This is an issue we have with the pilots here, you know. This
8 is one issue that you might want to bring up. When I first got
9 here, the President of the Pilots Associates was a different
10 guy, okay, wanted me to sign an agreement with him that
11 basically would allow this, you know, and I said no. See,
12 technically, you're not -- you don't need a lawyer for a civil
13 case. You need a lawyer for a criminal case. Okay. That's
14 when you get your rights read to you and all this stuff, okay.
15 So, let's say you ground a ship. That's not necessarily a
16 criminal case, you know. You know, you could have done
17 something wrong, you know, that's reasonably -- you know,
18 you're not allowed, you shouldn't ground a ship, but I mean
19 that doesn't necessarily make it criminal. But because the
20 pilots -- because everything could be criminal, it could go
21 that way, therefore, I'm not taking a chance. I want a lawyer.
22 I'm not answering any questions without my lawyer. So, he
23 couldn't interview Mr. Cota, Captain Cota that day. I think
24 the next day, well, yeah, no, I think Cota came into the
25 office, right, and all that, right?

1 UNIDENTIFIED MALE SPEAKER: Yes.

2 BY MR. STRAUCH:

3 Q. When did the Coast Guard request that he be
4 interviewed?

5 A. Next day.

6 Q. Okay. So, when the President of the Pilots
7 Association asked you to sign off on the agreement, and the
8 agreement from what I understand, stipulated that the -- they
9 could withhold pilots --

10 A. It would allow -- what they wanted us to do is not
11 interview their people without their lawyer. That's what
12 they're saying. That's what they wanted us to do. We would
13 always wait for the lawyer to come. Okay. See, the trouble
14 with that is that the lawyer isn't going to come down to the
15 ship. You know, the best time to do it is everyone is still on
16 the ship. No one has time to change their story, you know.
17 And you get them all right there, you see. But the pilots
18 wouldn't agree to that. So, you had to get the pilot at the
19 pilot station the next day or wherever he was with his lawyer.

20 Q. Well, if you didn't agree -- you did not agree to
21 this --

22 A. No.

23 Q. -- is that correct?

24 A. But there's not a lot I can do. I can't do anything
25 about it. He's not going to talk, you know what I'm mean, he's

1 not going to talk to us, you know. You can't make him talk.

2 Q. You told the President of the Pilots Commission you
3 did not agree with this?

4 A. Right.

5 Q. And what was his response?

6 A. Nothing. I mean, he said, you know, he said okay. I
7 mean, I just told him I couldn't sign it. It's not that we're
8 mad at each other, I just couldn't sign it. You know, we got
9 along just fine, but I wasn't going to agree to that, that's
10 all, you know. So --

11 Q. Is there any policies for restricting movements in
12 the Bay under limited visibility conditions?

13 A. I want to say no. What we do there is when there are
14 restricted visibility conditions, we broadcast people's
15 positions more, you know. Everyone just -- so we increase the
16 number of broadcasts. We don't restrict them from moving.

17 Q. As Captain of the Port do you have the ability to --

18 A. Sure, yeah. A Captain of the Port can tell any ship
19 to go anywhere at any time.

20 Q. Have you ever restricted operations in the Bay
21 because of visibility?

22 A. No.

23 Q. And why not?

24 A. No one wanted to move, or because the reason why we
25 have radars and electronic maps and all this other stuff is so

1 you can still do that, okay? So, now, of course, you have to
2 slow down. You got to follow the rules of the road and all
3 that, see, and no one would know better than the pilots
4 themselves who are professional Masters on that. My guys that
5 at running the VTS do not have pilot's license. They're not
6 Masters. They're not all that, okay. See, so, they're
7 technicians. Okay, so, when it comes to actually making a
8 judgment -- this is a judgment call. When it comes to making a
9 judgment call, the best way to do it is to let the Master
10 mariner do it, okay. The other thing is, is that in the VTS,
11 you know, even in San Francisco, it'll be foggy here and not
12 foggy there and foggy there, you know. So, your cameras, it
13 could be foggy along your cameras, but it might be clear
14 somewhere else, you see. So, if I -- you got to remember now
15 when you shut down a port, this costs money and all this stuff
16 to these people, and I don't have a problem with doing it for
17 safety and all that, but I mean to me, it's better left up to
18 the Master and that. And I think even the day of the incident,
19 there were about three or four ships that were supposed to be
20 underway that day. I don't believe they got underway because
21 of the fog, you know. So, those Masters are, or pilot, or both
22 of them decided that we'll just wait, okay. You see? So --

23 Q. Are you familiar with the 2004 incident involving
24 Captain Cota and the Naval Vessel the --

25 A. 2004, that was before me. I was 2005.

1 Q. Okay. What extent are you familiar with Captain
2 Cota? You said there was one.

3 A. Grounded a boat up by Antioch, I believe.

4 Q. When was that? Do you remember?

5 A. No, I mean, I can remember it was last year, but --
6 okay, last year, 2006, okay. Yeah, I remember it was 2006.

7 Q. Did the Coast Guard investigate that?

8 A. Sure, oh, yeah.

9 Q. And what was the outcome of the investigation?

10 A. I think that, no, I mean I got to check. This you
11 got to look up. From what I can remember is, is it was his
12 fault, okay. It was error on the pilot's fault. And that's
13 the best I can do. I can't remember was it that, I can't
14 remember was it flooding, you know. During the spring we have
15 very high currents through that area and I think, I can't
16 remember if it was in springtime and all that and I think that
17 you have to judge those currents correctly or you can get that
18 kind of stuff. And I think that's what happened. But I can't
19 remember. You have to look that one up.

20 Q. What other incidents involving pilots did the Coast
21 Guard investigate during your tenure as Sector Commander?

22 A. See, I can't -- unless it's a really big thing, they
23 don't come up to me. That's taken care of by the Chief of the
24 Investigation, by the Chief of the Prevention Department.

25 Q. Well, other than this one involving Captain Cota, how

1 many other incidents came up to you, incidents that involved --
2 pilots?

3 A. Yeah, I don't remember, to tell you the truth. Okay.
4 I can't remember. Because when you say came up to me, what
5 that means is they told me about it, okay, you know, that kind
6 of stuff, see. So, the Senior Investigating Officer generally
7 would have -- unless it's a real -- unless it was something
8 very controversial the closing of the case is taken care of by
9 the Chief of the Prevention Department from the SIO.

10 Q. Okay. All right. I'm -- that's it for me for now.

11 A. Okay.

12 Q. I'll pass you over to Crystal.

13 MS. THOMAS: Okay.

14 UNIDENTIFIED MALE SPEAKER: And could I have each of
15 you identify themselves for --

16 CAPT UBERTI: Do you want --

17 MR. STRAUCH: Yes, thank you. This is my copy?

18 CAPT UBERTI: Yes.

19 MR. STRAUCH: Thank you.

20 MS. THOMAS: Okay. Crystal Thomas, NTSB.

21 BY MS. THOMAS:

22 Q. Can you give us a brief description of your
23 experience that you've had with oil spills?

24 A. Okay. Let's see. We had -- we must have done a
25 million drills, okay. All right. So, we've done a lot of

1 drills. In fact this last drill, which was this one that we
2 did off the, the big offshore one that was done last year. I
3 let Dave Squatlin (ph.) do that one, my Deputy, so he can learn
4 that stuff. Okay. So, well, we had, let's see, this one and
5 we had the ground that we went on for --. We had a grounded
6 ship at the entrance of the harbor, but no oil was spill. It
7 was grounded, but it wasn't, thank God, we didn't have any oil
8 on that one. Then went on to Miami, we had Igloo Moon (ph.)
9 which is a chemical ship. Again, no oil grounded. We
10 ungrounded one. Let's see. A lot of the small stuff and
11 medium ones when I was in Miami, we did a lot of medium ones.
12 When I was in Hampton Roads, that was the -- in San Diego I
13 didn't have to do oil. So, when was I was in Norfolk, see I
14 was the Assistant MEP Officer, Marine Environmental Protection
15 Officer, so, we must have done four or five, you know, over
16 there. When I was Detroit, I was involved in this. We did
17 about four or five in Detroit, so. Nothing this big. No huge
18 ones, okay, more smaller ones.

19 Q. What would be a small or medium spill --

20 A. Four or five hundred gallons or less, okay.

21 Q. Okay. So, going to the day of the accident,
22 November 11th, you talked about the roles that you were
23 serving, that day, can you just repeat your -- the roles you
24 were serving in that day?

25 A. Well, all of them, well, okay. Federal On Scene

1 Coordinator. Okay. Inspector Commander, because I'm ordering
2 my own people around, okay? All right. Okay. All right.
3 Federal On Scene Coordinator for the oil spill.

4 Q. Okay.

5 A. Okay? Captain of the Port because we're moving
6 ships, okay? Officer in Charge Marine Inspection because
7 there's damage to the ship and there was a causality
8 investigation going onboard, okay? I need to say Federal
9 Maritime Security Coordinator insofar as there's a security
10 zone around the Oakland Bay Bridge expansion, okay. So, it's a
11 small point. There was no search and rescue. So, there's
12 no -- although, in the beginning, you always, you got to find
13 that out, but nothing was reported. So, there's really, it
14 wasn't a SAR case.

15 Q. Okay. Now, going to that day, I just wanted to talk
16 a little about the information you received. I know we had
17 talked about this in a previous interview.

18 A. Sure.

19 Q. But what information did you personally receive and
20 from who did you receive it?

21 A. Okay. At 8, in the very beginning at 8:37 or so I
22 got a call from Captain McIsaac, who is the President of the
23 Pilots Association, okay. He called me right at my desk and he
24 told me that the ship had hit the bridge, okay. And then, the
25 way I remember this, he made two phone calls. He called me

1 right back, you know, a couple of minutes later and said and
2 there's an oil spill. That's how I remember it. I think he
3 remembers it one phone call. I thought I remembered two.
4 Okay. So, he said, so next, okay, he calls me direct. Okay,
5 so, I get the information, okay. I walk back to the Command
6 Center, okay, and I say, okay, what are we doing? Because the
7 VTS had called them and told them, okay. So, I said okay we
8 got, he said, yes Captain, we're going to get a pollution, you
9 know, we're going to get a pollution team out. We got to make
10 sure we do the notifications. And then I called the Marine
11 Inspectors because I know they were going to send a Marine
12 Inspector and I said I want a Senior Marine Inspector out here
13 to look at this because we got a lot of damage -- Okay. And
14 then, of course, all the Investigating Officers are -- have --
15 and that was it.

16 So, you know, I don't really have to tell the Command
17 Center what to do. They know what to do, you know. So,
18 they're doing that, okay?

19 Then the next time I got a brief was around, I'm
20 trying to think now. Let me look here. I want to say around
21 10:30 or so, around there. Let me just go here. Yeah, here we
22 go, 9:27. Around 9:27 or so, okay, we all got together, okay,
23 and I'm getting briefed by the management people here. So,
24 Lt. Schneider and Commander DeQuattro, and they're giving me
25 the initial, they're telling me what the pilot said, 10

1 barrels. Okay, we talked about it. Okay. We told we want to
2 get an over flight right away, okay. We told them we'd put a
3 hundred yard safety zone around the ship. Make sure the drug
4 and alcohol testing gets done. Okay, brief up for a CIC, a
5 critical incident communication. You're required to call
6 headquarters within 15 minutes or so of an incident, you know,
7 of anything big. The object being that the Commandant doesn't
8 read about it, literally, his boss, the Secretary doesn't read
9 about it in the paper or read it on TV before he knows. So,
10 you got to tell him right away. So, you skip the District, you
11 skip the Area and you go right to Headquarters, although they
12 can be on the line. Okay. And then you call in and report.
13 So, we asked that had done, that got done, although they said,
14 Headquarters said it's not a critical incident we -- okay.
15 Marine Inspector was dispatched, make sure that was done.
16 Yeah, and basically told them, found out, you know, -- how much
17 oil we have, what is it, that kind of stuff. Oh, and who is,
18 yeah, are they taking responsibility for the spill and who is
19 moving, you know, who's controlling on this? What contracts
20 got to be had. Okay. That's what we were talking about, all
21 that. And the trajectory, yeah.

22 Okay. So, that was 9:27. And then let's see, then
23 the next time we got together, let's see. Okay. What's
24 happening now is after that then people from the Command Center
25 are just coming in my office and telling me stuff, okay, you

1 know, more or less. Okay.

2 Q. What sort of things were they telling you?

3 A. Well, that's just like, asked who's the contractor,
4 okay, are they taking instructions? And I got NSRC and NRC.
5 So, by 10:30 I would say, yeah, I'm getting this information.
6 Let me just check one more thing here. Yeah, here, 10:55.
7 Okay, by 10:55 I'm getting this information that the skimmers
8 are on scene. It's NRC, NRSC, the QI or Brian's Group is
9 taking responsibility for the spill. We still can't do an
10 aerial view yet. Safety zones are established. The safety
11 zone on the ship was established and we diverted -- has been
12 diverted to enforce them, that kind of stuff, the trajectory
13 had been requested.

14 And then I'm dealing with my Public Affairs Officer
15 because we're going to have to do a press release. Well, more
16 than that. We're going to have to do a press conference. So,
17 we got to get that -- so, I'm working with her to get that set
18 up.

19 Q. Were you aware of the reports that -- back from the
20 Pollution Investigation Team? One was at 9:25 that they
21 followed a three to four foot wide oil slick from the bridge to
22 the vessel and then another one at 9:35 when they arrived along
23 side the vessel and reported a 100 x 12 foot tear in the hull
24 about 2 to 10 feet above water?

25 A. I got that, yeah, shortly after that I got that, yes.

1 Okay.

2 Q. And the various other reports that there was oil in
3 the water.

4 A. Yeah, okay, but we got to be careful about that.
5 Okay. Now what I'm getting here is I got that, okay. Okay.
6 But I didn't get -- okay, and then we did a press conference
7 around 12 or so, you know, right around that time, okay. After
8 that press conference, this is when I'm getting reports that we
9 have oil down by 3032, then up by the Ferry Terminal, then up,
10 you know, I'm starting to get that, okay. Then I got, then
11 later on in the afternoon, say around two, I'm getting reports
12 that Angel Island, I'm getting reports at Alcatraz. Okay.
13 Now, meanwhile -- so I'm thinking to myself in the beginning,
14 you know, the original report was 140 gallons. The pilot said
15 10 barrels, okay. My guy got 140 gallons from the chief
16 engineer. So that was using the 140-gallon number. Okay. So,
17 I'm thinking to myself, okay, 140 gallons, I said, 140 gallons
18 over by Pier 3032, I said then up by the Ferry Terminal and all
19 that, I said that could be 140 gallons if all of it is moving
20 that way, you know. But then when I started hearing about
21 Angel Island and Alcatraz, well, you know, that doesn't -- you
22 know, I said, okay, see, that sounds like we have more here,
23 okay?

24 But in the meantime, we had a State of California guy
25 on the boat trying to get the correct numbers. You see? So I

1 said, okay, well, we're going to find out soon enough, because
2 the guy is on there trying to get it. Okay? And then I said
3 get me this overplay, but what happened was the -- was a --
4 that I would say is about 3, right around there, okay, around
5 there. The plate -- and I have the stake right with me. Rob,
6 Rob, I could say, Rob, here, you go up with me and we'll go,
7 we'll finally get to go look at this, because this sounds like
8 a little more than what we're getting here, you know? And,
9 and, and so, the plane flew over, and I told them to land the
10 plane on the deck, because I'm not driving all the way down to
11 the airport because I haven't got time to do all that, you
12 know? So, so he flew over and then he flew back, and then I
13 found out he had trouble, you know, something was wrong with
14 the aircraft and he couldn't land.

15 All right, so now I'm -- that. So he's going back to
16 the air station. So I told one of the police petty officers, I
17 said, now, you drive down to the air station and, okay, you
18 meet the plane at the -- see, to land on the sector is like
19 tight, and this guy -- so he couldn't land -- actually, he
20 could land at the airport. You know? See. So, so he went
21 back down, the petty officer went back down and got on there,
22 eventually got on there.

23 So I just called one of my -- and I just said, let's
24 go, we'll have to do this by boat. So I said take me down to
25 3032. We looked at 3032, we saw some oil there. We went up by

1 pier 1, we saw a little bit there. I didn't see -- see, again,
2 it's so foggy, but at least you could see something here, you
3 know. But I didn't get massive, you know -- I got what you
4 would call streamers, you know, like silver streamers, okay?
5 And then I said let's go up to Alcatraz and circle Alcatraz,
6 and I saw oil there, and then I saw Raccoon Strait. That's
7 where I saw a lot of it up there, and then over by Angel
8 Island. Okay, now, by this time, it's starting to get dark,
9 okay, because, right, it's wintertime. I said, okay, so it's
10 getting dark. So then I said, okay, well, let's head back.

11 All right. By the time I got back, the, the State
12 guy was coming back, and it must have been within a half hour
13 or so is when we got around the 58,000 gallons on, but right
14 around there. So, naturally, we got 58,000 gallons, you have
15 to explain how we got 58,000 gallons. You know, I mean, tell
16 me exactly how we got 58,000 gallons. Okay? And so, he did.
17 You know, he even went through it, he explained how here we
18 transferred fuel, you know, we had to heat it up, you know,
19 renew the -- the -- were gone, okay, that kind of stuff. The
20 ship tilted it, we had to figure our burn-out rate -- and then
21 this was a complicated thing to do that, okay? So he went
22 through all that, and then we did it, so then, okay, I guess
23 we're actually done -- and then we --

24 Q. So prior to the press conference, you hadn't heard
25 about the reports of oil at various areas?

1 A. No.

2 Q. Okay. Okay. So after --

3 A. Or, or that would make me think it's more than 140
4 gallons, let's put it that way. Okay, I didn't hear it -- you
5 know what I mean? I heard -- well, no, I heard that
6 afterwards, so, no. The answer is no. That's correct.
7 Afterwards, Admiral Neptune (sic) called me -- with him. He
8 was -- Dave, Capt. Squatlin and him and a bunch of other people
9 were at this consul dinner or luncheon -- San Francisco that
10 day. I couldn't go because I had something else -- see, my day
11 that day, I had like all these appointments in the morning. So
12 I said, okay, Dave, you guys go, you're going to do the social
13 thing today.

14 Okay? You know, so he went over there, and while
15 they were there, this is when the oil came. See? So I, so I
16 got a call after I got back. Admiral Neptune called me and
17 said, hey, Bill, you know, we were over there and this is what
18 happened -- yeah, this is what happened, you know -- so I
19 thought about that afterwards of all that.

20 Q. Okay.

21 A. Okay.

22 Q. So there's a -- so the report is -- anybody think --
23 to make them think that maybe it was a little bit more than --

24 A. No, they didn't, they didn't. Because it was so
25 foggy, you really -- it was very difficult to see. I mean, you

1 couldn't get any perspective at all on that because of the
2 dense, dense fog. Now, you know, you could look at the side of
3 the ship, you could see that, but if you look at that ship, it
4 had a big tear but the oil was just leaking out the very end of
5 it. Do you guys understand how the tear went? Okay. It broke
6 two, three and part of four. Okay, two of the valves -- this
7 is port, right? Yeah. Yeah -- okay, so, so, yeah, two port,
8 with the balance tank, okay. So, okay, so if -- okay, three
9 starboard with a fuel tank, but the fuel was below the fuel
10 tank. So nowhere else -- okay, and then like this much of
11 four, okay? And that's where we saw the oil coming down -- so
12 you really can't get a perspective of was it a lot, was it a
13 little, you know what I mean, other than it coming down.
14 Again -- you couldn't put it all together -- I mean, when I say
15 dense fog, I'm talking dense fog. I mean, you can't see 100
16 feet, you know, 300 feet. You know, I mean, that's how tight
17 it is.

18 Q. So, in the Command Center, when they receive this
19 information, specifically those couple reports that we were
20 just talking about with a 3- to 4-foot oil slick and the 100-
21 foot tear, did anybody in that Command Center raise any sort of
22 questions or do any assessment of the information that was
23 coming in besides from the fact that it was foggy and you
24 couldn't really see?

25 A. Well, okay, the, the Command Center, okay, the

1 Command Center, in the beginning, okay, runs the incident in
2 the very, very beginning, okay? But what they're really doing
3 is, after the IMD people are getting assembled, they're really
4 passing the information to them for them to make these
5 decisions. You see, it all adds up. So they'll do the very
6 initial stuff, okay, but it's really the Incident Management
7 Division that's going to run the oil spill, okay? And by the
8 end of the day -- command, okay, because they're all set up and
9 all that. And that's ultimately what you're doing, okay?

10 So, what's happening here is that the IMD people are
11 getting assembled over there and they're passing this
12 information that they get to the -- the guy that's answering
13 the radio, he doesn't know. It wouldn't mean anything to him,
14 or, you know, or not much to him. You see? It's the oil
15 people that understand it, see. So they would pass that
16 information to them and they would begin to put it together.

17 Q. And who were the IMD people that were working on it?

18 A. Well, we had Lt. JG Schneider (ph.). She was the
19 acting person there, okay. And then whatever petty officers
20 they had, okay. And then the IMD worked for the response team,
21 who's Commander DeQuattro. Now, that day, the head of IMD,
22 Incident Management Division, is Lt. -- Obondi (ph.), who is
23 the well-seasoned oil guy. Of course, he was at headquarters
24 interviewing for the Vice Commandant A job, okay. You know,
25 so -- so he went with -- that day, okay. So --

1 Q. Okay. So the Incident Management people would have
2 got this information?

3 A. Right. And then they're going to decide -- you know,
4 they're talking, they're making sure everything is in place.
5 They're making sure O'Brien's group is doing what they're
6 supposed to be doing. When O'Brien's group would report, they
7 would tell them what's going on, that kind of stuff, you see.

8 Q. So, when the Incident Management Division people got
9 this information from the Command Center, are you aware of any
10 assessments that they made? Did they inform you of any sort of
11 assessments, something didn't look right -- right?

12 A. Well, in the afternoon, I'm getting these reports
13 from them in the afternoon. See, this is what I'm telling you.
14 Okay, yeah, they're giving it to me. They go, CAPT, we have a
15 oil slick here, we have a oil slick there, you know. So, I
16 said, okay --

17 Q. But I'm looking more initially -- that about 9:25 and
18 about 9:35, information gets to them possibly around 10.

19 A. Yeah.

20 Q. Were any sort of assessments going on that you're
21 aware of?

22 A. They're making the assessments. I mean, I'm not
23 getting all that. They're --

24 Q. They didn't pass on to you --

25 A. No, no, they're -- I don't have to know every

1 single -- they're taking care of what you would call the day-
2 to-day stuff. I just need to know big stuff like, like do we
3 have -- response team. Okay, you know, roughly, where are
4 they? Is the part of the area that's being boomed that are
5 supposed to be boomed. Okay, that's what I care about. Where
6 every little boat is, they're doing that. Okay, that kind of
7 stuff, you see? So, so, the answer is, we have boom boats in
8 place to be boomed, okay, we have skimmers on the scene. Okay,
9 that's what I want to know, okay. Did the owner take
10 responsibility? Yes. Does he know what he's doing? Yes.
11 Okay, that's the kind of stuff I care about. They care about
12 getting down into the, you know, their shorts, you know what I
13 mean? Getting the --

14 Q. Okay. So if they would have made some sort of
15 assessment, if they had said, wow, this really leads us to
16 believe we have a lot more, that would have been something --

17 A. Oh, sure. Oh, yeah, absolutely.

18 Q. Okay. It's not --

19 A. Oh, no, no, no, no.

20 Q. They would have told you that?

21 A. Sure. Absolutely.

22 Q. Okay.

23 A. All right.

24 Q. Okay. So, once, once you are receiving information
25 regarding the spills, were you passing that information along

1 to anyone else up the chain, or would that be somebody else's
2 role, to pass the information up the chain?

3 A. No. I mean, I wasn't -- let me just think here who
4 we could -- he notified the district in the beginning of this,
5 okay? Because they were on the CIC, okay? So, we notified
6 them in the beginning. So, I didn't pass up anything. I'm
7 trying to think. I don't think so. You know, I can't remember
8 if I did or not, to tell you the truth. I personally -- let me
9 put it this way, I personally didn't do it. Okay? Now,
10 whether they got to the Command Duty Officer's call, that I'm
11 not sure of.

12 Q. Okay. Going back to the 146-gallon fuel loss that
13 was reported at, I think, 10:54 --

14 A. Right.

15 Q. -- was there a lot of confidence in that number, or
16 was there questioning as to whether that number was accurate?

17 A. Well, when I got it, that's what I got. You know
18 what I'm saying? So, so -- see --

19 Q. Nobody expressed to you that they were uncertain
20 about that number?

21 A. No. No. I mean, what they did was -- this was the
22 initial -- see, at any big incident, initial reports are always
23 wrong. I mean, there's like a fog of, you know, of war, they
24 call it, on us, okay? So, at the very beginning, most initial
25 reports are wrong. I always wait to hear the same story twice.

1 You know what I mean? Hopefully, from different people, you
2 know, before I really, really believe it. But, at that point,
3 that's the only thing I had, you see? So, we did know, the
4 petty officer did know that he didn't trust the, he didn't
5 trust the Chinese engineering so far as that was the real
6 accurate number. Hence, that is why we asked the State for
7 their fuel specialist, which they provided, see.

8 Q. So, you requested the fuel specialist?

9 A. Yeah. Oh, yeah. IMD took care of that, I didn't
10 have to call them. They did that.

11 Q. Okay. You mentioned that Critical Incident called?

12 A. Right.

13 Q. The CIC called. Is that mandated?

14 A. Yes.

15 Q. You -- something about 15 minutes?

16 A. Yeah, I forget the exact number, but within a very
17 short period of time you have to -- or a half hour, maybe it's
18 a half hour -- you have to call Coast Guard's Headquarters
19 Command Center.

20 Q. Where is that required? Where would that be found,
21 that requirement?

22 A. It's a message, I think, from headquarters. The
23 Command Center can give it to you. They would have that, okay?
24 It came out by message, saying you will do this, from the
25 Commandant.

1 Q. Was that something recent?

2 A. About a year ago. A little more than a year ago, I
3 believe.

4 Q. Okay. So, if we could have some --

5 A. Oh, yeah. Yes.

6 Q. Okay. Okay. You said that CIC --

7 A. Called Critical Incident and reported. CIC, Critical
8 Incident Communications, that's what that is. CIC, Critical
9 Communications.

10 Q. Okay.

11 A. Okay?

12 Q. Called it the wrong thing.

13 A. Yeah. Yeah.

14 Q. To you it was CIC.

15 A. Yeah. Yeah.

16 Q. Okay. So, what time was that call made?

17 A. I --

18 Q. And you were on that call?

19 A. No.

20 Q. You weren't on it?

21 A. I think just the -- okay, just hang on a minute. Let
22 me check. Ah, 9:45.

23 Q. And who was involved in that call?

24 A. That would have been Lt. J.T. Fuller (ph.), who was
25 the Duty Officer. He would have made that call.

1 Q. So, you're not aware of what was discussed during the
2 call --

3 A. No, no, because --

4 Q. -- by --

5 A. -- they just -- yeah. They told me they did it.
6 They told me that headquarters said that this won't count as a
7 critical incident. Okay, and this is the way I look at it. It
8 doesn't really matter to me. I mean, it's their rule. You
9 know what I mean? If they want it, they want it; if they don't
10 want it, they don't want it. Okay? You know, I mean,
11 headquarters doesn't do anything for me, so it's -- you know, I
12 mean, that's why it didn't really matter.

13 Q. So, headquarters, then, wouldn't be involved in that
14 issue?

15 A. Yeah, at that, at that -- I got a bad feeling that
16 they changed their mind quick. Okay? You know, but, I mean,
17 at that moment at time, the Duty Officer -- because they
18 recorded it as a bridge allision and, and with an oil spill, I
19 think. But the emphasis was on the bridge allision. See, this
20 is one thing to remember here. When this thing happened, the
21 initial report was a bridge allision, okay, and it was the
22 allision that was the more important thing than the oil spill,
23 because if, you know, the bridge was damaged, people would have
24 been killed, okay? See, and that was our initial concern at
25 the very beginning.

1 The other thing is, too, is that right away when I
2 heard that there was an oil spill and I saw where it was
3 spilled, there, I knew that there was really -- there wasn't
4 anything you could do, really, to clean it up. Or maybe I
5 should say to stop it from spreading and all that. Because of
6 the currents, because of everything over there, you know what I
7 mean, I knew it was going to -- you know what I mean? So, you
8 know, we concentrated in the very, very beginning on this
9 bridge allision. Although, the other stuff's rolling out, but,
10 I mean, this was my -- in my head, that was the most important
11 thing, then the oil spill was second.

12 Q. Okay. Okay. And you mentioned that the district was
13 notified?

14 A. Yes, district. According to this.

15 Q. And was the area notified?

16 A. The district and the area is the same Command Center.

17 Q. Okay.

18 A. Yeah, it's a D-11 -- Area Command Center. So, one
19 place. So, if you call one, you got them both. But let me --
20 10:19. Our log shows it 10:19, Second Command Center briefed
21 D-11 Command Center.

22 Q. What procedures exist for information distribution
23 during an emergency so far as internal for the Coast Guard and
24 external?

25 A. Well, in the Command Center are what we call Quick

1 Reaction Cards, QRCs, Quick Response Cards, and on the cards,
2 it tells you everything that has to be done. Now, there's also
3 general guidance. I've put out general guidance of what I want
4 to be told about, you know, okay, that kind of stuff, okay, and
5 then the, you know, the department heads want to know certain
6 things and all that. So, that's written down. They have
7 guidelines, they have the Central Commander's guidelines on
8 what has to be reported on -- besides the fact I'm already
9 there. I mean, you know, this is more like at night or, you
10 know, I'm not there. If you're right there, they'll tell, you
11 know, what's going on.

12 Q. And I know we touched on this a little bit, but based
13 on the information received, what were the initial actions
14 taken by the Coast Guard to respond?

15 A. We launched a Collision Investigator right away. We
16 launched Marine Inspectors right away. We launched Marine
17 Investigators right away. We verified that the pollution
18 company was taking credit that -- that the ship was taking
19 responsibility for the spill. We verified that their -- were
20 on scene. The NRC skimmer and the MSRC were the first two
21 initial ones that saw those. We made sure that the booming was
22 being done. We set -- we diverted the turn with an anchorage.
23 You know, they were going to go do a security patrol on it, and
24 we diverted them down to the area under the bridge to enforce
25 the security zone already established under the bridge and a

1 safety zone around the ship. We allowed the ship to anchor at
2 anchorage 7. We, we allowed it to move to anchorage 9. You
3 know, I wrote all this down. I -- yeah, make sure they're
4 responding; make sure the drug and alcohol testing was done to
5 the best of my knowledge; did a press conference; put out, put
6 some press releases and set up the Unified Command; checked the
7 ACON (ph.) to make sure that the ACON was -- that nothing --
8 you know, it wasn't caused because the things weren't on the
9 station, the police weren't on station.

10 Q. Legal standard action?

11 A. Right, all standard.

12 Q. Would any of these actions been different if 58,000
13 gallons would have been initially reported as opposed to 146?

14 A. Well --

15 Q. And how?

16 A. It would have been different insofar as when we did
17 our initial press conference, we would have said 58,000
18 gallons, okay? You know, for 58,000 gallons, I probably would
19 have rolled more people -- as many -- I would have grabbed many
20 more people than we already grabbed. You know, when something
21 like this happens, the Command Center guys are overwhelmed
22 immediately, so you help them out, you know, by bringing in
23 people. I would have brought in every single one, you know, no
24 matter what they were doing, you know, and brought them over
25 there. But, I mean, eventually that happened, but that's -- we

1 got more. I would have realized right away that we would need
2 more help with the press, right. See we had one person doing
3 the press releases, so I would have had more people, you know,
4 helping her right away. What else did I do?

5 Not so much was it 58,000 gallons, a better question
6 would be if you could see it, if you knew it was -- you know
7 what I mean? If you knew it, then, yeah, I mean, there would
8 be a lot, a lot different and all that, a lot different. I
9 mean, yeah, we would have done just a little more, like -- the
10 city of San Francisco wouldn't be all upset because it would be
11 perfectly obvious to them. You know what I mean? Because
12 they're in a fog, too, you know what I mean? Because they
13 don't know just like we don't know, you know.

14 So, I think a lot of this initial bad notification
15 might -- although it went through the OES, there's just a
16 couple weird things here. If we want to talk about
17 communication just for a second here?

18 Q. Yeah.

19 A. Do you want to do that? Okay. There's a couple
20 weird things here that just don't make sense here. Because
21 that morning, we were having a Neptune coalition meeting, okay,
22 a Neptune Coalition meeting of all the law enforcement agencies
23 that have boats, okay, Highway Patrol, all the county guys,
24 okay, the city and county, San Francisco, all that, because we
25 do joint law enforcement operations all the time. And even if

1 we're just doing one city, the other guys help out, you know,
2 and that way, the Coast Guard, I got my force multipliers and
3 all that. So, we have, we have regular -- once a month we
4 meet, we talk about whatever operation we're doing, da-da-da-
5 da.

6 Okay, so today, it just happened to be the meeting
7 and -- was there, so Rob Roberts, the state guy, was there,
8 okay? So that was great, okay? For the city, Danny Lopez,
9 Sgt. Danny Lopez is their maritime boat guy, so Danny was
10 there, all right? So, when this happens, Danny asks us can
11 you -- can I -- in a boat? We said sure, you know, you can
12 help us enforce the security zone. That's a police boat,
13 right. He's not an oil spill -- but you can help us enforce
14 the safety zone and the security zone. And he did for a while,
15 very nice, all that stuff, and while he's doing this, he sees
16 oil all over the place, okay, you know. So he goes back and
17 tells his lieutenant and his CAPT, you know, we got oil. See,
18 so, to me, the City of San Francisco knows, you know what I
19 mean? Because there's their guy right there who we deal with
20 on a regular basis, you see. So, okay, so, you know what I
21 mean?

22 So, you're asking if I was concerned about the
23 communication. I wasn't as concerned because I had these
24 people there. You see?

25 Q. Yeah.

1 A. See. And the other thing is, under the plan, it's
2 the Office of Emergency Services who makes notification, okay,
3 to the state. The State Office of Emergency Services is
4 responsible for making the notification. Okay, two people have
5 to be notified. We have to notify -- we don't have to be
6 notified, but we have to ensure that they're notified. OES has
7 to be notified and the National Response Center has to be
8 notified. The ship did both of those, so that was covered,
9 okay? So, it's -- now, it's the Office of Emergency Services
10 who have to notify the counties and all that.

11 See, the thing about this, the San Francisco Bay
12 area, it's not just San Francisco. I've got like six counties,
13 you know. So, you know, to call all these people, you know,
14 this is a lot of counties to call and all that stuff, you see?
15 So, so, the State takes care of that. So, if they're notified,
16 I figure that's done, right? So, between that and Danny, I
17 figured, you know, they'd know. You know what I mean? See,
18 it's not that I wanted to shun the Mayor or anything like that.
19 You know, well, you see what I'm saying? It's not like we hate
20 each other or, you know, all this other stuff, it's that, you
21 know, I just thought that that was covered, you see, that kind
22 of stuff.

23 So, now, if I've got -- if I'm staring at 58,000
24 gallons, he should be calling me. I mean, you know what I'm
25 saying? What's going on -- his whole office is going to be

1 calling me, okay? And not just him, everyone else, too. You
2 know, Oakland and, and all that, you know. And of course we
3 tell them whatever we know, you know, and all that stuff. And,
4 you know, we would have got an over flight up right away and,
5 you know, we would have been able to see everything really
6 quick if someone out there moved. Now, we already moved. I
7 don't know if we could -- we couldn't get more resources on
8 site any faster than we did, because they rolled out
9 immediately and all that, but I would have a better idea of the
10 scope of the problem.

11 Because the reason why we had all these issues was
12 the perception. You see, the people are mad, the City is mad
13 because they didn't know. You see, it wasn't because of the
14 bad oil spill response, you see? So, that would have gone away
15 because it would have been perfectly obvious to everybody this
16 was a lot of oil, you see? So, so, what I would have done
17 different, well, I wouldn't -- things wouldn't have happened
18 the way they happened if, if we could see it. You see? So --

19 Q. Okay. But you mentioned, you mentioned that you
20 would have brought in more people, but what would they have
21 done?

22 A. -- you know, these are gofers, these aren't thinkers,
23 these are you tell them what to do. Okay? You know, so --

24 MR. STRAUCH: But not -- bring in more oil spill
25 guys?

1 CAPT UBERTI: Oh, all of the oil spill guys are
2 there, okay? You know, so, so, this would have been extra
3 yeomen or some -- I would have called the district and said,
4 send me your PAs over here, your Public Affairs people, you
5 know, to help us, you know, get this stuff done right away, you
6 know, that kind of stuff

7 BY MS. THOMAS:

8 Q. So, basically, press people, not people who would
9 help with the response or --

10 A. No.

11 Q. -- clean up?

12 A. Yeah, see, by the next day, we had them all. The
13 Strike Team was there the next day, all this other stuff. So,
14 when I requested -- I guess, sure, if -- that's a good point.
15 If I had 58,000 gallons staring me right in the fact, that's a
16 call to the Strike Team right away. Okay? You know, I mean,
17 that's it, yeah. Okay, so you could say that.

18 Q. All right. But once you got the 58,000 gallon
19 figure -- the 53,000 gallon figure --

20 A. The 50 -- okay, first, it was 58.

21 Q. Yeah.

22 A. Then the next day, it was 53. And we weren't
23 changing this number one more time. You know, it's always
24 going to be 58. I think, I think, I think we said, I think we
25 said 53 to 58 or something, but -- you know, I mean, that 58

1 number, there's no -- because the press, that scenario, you
2 know, we're hiding something again. You know what I mean?
3 They don't understand that, you know, this isn't exact science.
4 It looks like you don't know what you're doing. So I wasn't
5 going to do that again, you know.

6 Q. Well, were you fairly certain and confident in that
7 number?

8 A. Yes, that number I was. Well, it was -- you know, I
9 had no reason to believe the State -- why would they lie? You
10 know what I mean? You know what I'm saying? They went through
11 the whole thing, you know, they went through it, they
12 transferred the fuel. The fuel was actually transferred, so
13 that's measurable, you see? So, from that, that's what --

14 Q. Okay. So that's only your first -- the 58,000 was
15 from 1649, I believe, and at that point, after the -- for the
16 night because it was dark?

17 A. Yeah, the on spill actions.

18 Q. Yeah.

19 A. Yeah. Yeah. We're there in the command -- in the
20 incident command post, which was the conference room at that
21 time, doing all the strategy, planning for the next day,
22 writing the -- you know, doing the press release, da-da-da-da.

23 Q. So, how did things change, how were things different
24 day 2, knowing -- starting a fresh day on, on the scene, on --

25 A. Okay, well, the next day, now we moved the command

1 post to Fort Mason, right, because there was no way we could
2 fit all those people in the conference room, okay? We had -- I
3 mean, that night -- you know, by this time now, everything --
4 and ready to go. So, by the next day, we had offshore
5 skimmers, we had mini skimmers inshore. Well, I've got all the
6 stuff if you guys want to know. We had boom boats.

7 Q. Were there a lot more -- was there a lot more
8 equipment and resources on scene the second day?

9 A. Yes. Okay, first day, eight skimmers, okay, first
10 day, which is -- that's great, okay? And Christy Field (ph.),
11 I got St. Francis Yacht Club, Aquatic Park -- okay, that's the
12 first day. 8,000 gallons of oil recovered the first day. All
13 right. All right. Second day, 11 skimmers, 18,000 feet of
14 boom, 9,500 gallons total recovered, 200 people on the scene.
15 The next day, 13 skimmers, 28,000 feet of boom, again 9,000 --
16 see, okay, now here we go with the amount of oil recovered
17 again.

18 We asked the State how much -- okay, they're the ones
19 that are -- and counting it and all that, so we get the number
20 from the State, okay? So, we asked the State, first day, 8,000
21 gallons, 8,000 gallons of oil, 8,000 gallons of product. It's
22 product. We said, okay, it's product, so we put product, okay.
23 Next day, we got 9,500, and they say, well, this is oil and
24 water mixture. So, we said, how can that be oil and water, you
25 know what I mean, if we had 8,000 product before? You see?

1 And it's back and forth. Then, also, also, then he said, okay,
2 that's enough. Okay, actually, I want to decant it, I want the
3 actual decant. I want the guy who's counting it over there to
4 give us the actual number and all that.

5 So, that's why we held this 9,500 number for a couple
6 days. You know, until I actually got it up to 9,500, then we
7 moved -- you know, because they -- they were doing -- then they
8 were getting back it was oil and water -- because like I said,
9 we were never going backwards, we were always-- you know,
10 because if you can't explain that to the public that, you know,
11 when you're coming in, it's not all oil, you know. But in the
12 beginning, though, it would make sense because 8,000 gallons,
13 it was mostly product in the beginning anyway, right? You
14 know, we have -- and all that stuff. Okay, but, see -- okay,
15 so day 2, 11 skimmers; day 3, 13 skimmers, there's 458
16 personnel. Okay, day 4, 1,043 personnel, 16 skimmers, of which
17 9 are offshore response vessels. Okay. So, you get -- so
18 every day -- okay.

19 Q. So --

20 A. Yeah, okay.

21 Q. -- these -- the skimmers and the boom and the -- was
22 this all MSRC and NRC --

23 A. Correct.

24 Q. -- equipment?

25 A. Yes.

1 Q. These --

2 A. Right.

3 Q. So no volunteer type thing or --

4 A. Oh, I wasn't counting. You mean if like a marina put
5 their own little boom out themselves or something like that?

6 Q. Um-hum.

7 A. To tell you the truth, I don't know, but I don't
8 think so. I think we're counting our own stuff.

9 Q. Okay. Okay. Now I want to talk a little bit about
10 the -- of the city a little bit more -- that.

11 A. That's fine.

12 Q. Okay. What responsibility does Sector San Francisco
13 hold for contacting cities and local municipalities following
14 an accident like this one?

15 A. You mean what do we have to do?

16 Q. Yes.

17 A. Or what do we -- technically, I don't think we have
18 to do anything. What would we do do is, is we do let them
19 know. I mean, you know, it's just like courtesy. I mean, it's
20 not a law that says I have to, I have to let them know. I
21 mean, I'm just trying to think, you know. But we do, because
22 we work with them all the time, you know. And if it affects
23 you, we do that. Normally, the way you do it, the way we keep
24 them informed is through their Emergency Operations Center.
25 So, we have a liaison-- usually, we have a liaison over there

1 or they have a liaison over at our Command Center. In this
2 particular case, they had a liaison over to the Incident
3 Command Center, and they're fed and that's how they -- so, so
4 the answer is yes, through -- under the plan, through the
5 liaison program. So, under that area contingency plan, through
6 the liaison, through their liaison officer, or our liaison
7 officer --

8 Q. So, the APPs specifically require that Sector San
9 Francisco contact the City?

10 A. You know, I got to check. What it says is we have to
11 contact the Office of Emergency Services, who contacts the
12 City.

13 Q. So, then, it would be a Coast Guard interpretation
14 that once they contact OES, OES would take care of all the
15 local?

16 A. Yes. That's OES' job, to do that, is to liaison with
17 them. Now, would we talk to themselves just out of
18 professional courtesy? Of course, you know.

19 Q. So, in this case, how would having specifically
20 called the City of San Francisco affected the response? Would
21 it have been simply a courtesy, or could they have aided with
22 response equipment and resources?

23 A. I'm trying to think what response equipment the City
24 of San Francisco has. They don't have any, you know, so --
25 that I know of. Just let me put it that way, okay, that I know

1 of. Now, what they could have done, though, I mean, if I could
2 defend them, maybe their local marina who might have a private
3 boom or something like that, you know, could put it out and all
4 that stuff. But they don't have oil, so they, they would --
5 just like, you know, the ships -- on the --

6 Q. Okay. So you're not aware of any --

7 A. No.

8 Q. -- localities in Bay Area --

9 A. They don't have boom boats, that I know of. They
10 don't have, you know, a high quality -- quantity amount of
11 boom. They don't have skimmers, that I know of. Let me put it
12 that way, okay. It's certainly not in the plan if they do,
13 okay?

14 Q. So, what sort of routine coordination does Sector San
15 Francisco have with the cities and the municipalities in the
16 Bay Area as far as drills, exercises?

17 A. Oh, oh, oh. See, we do drills and exercises all the
18 time. Like, you know, I just read that meritorious service
19 thing, you know, and what I said was like the MLB All-Star
20 Game. That was in the City of San Francisco. That's -- right
21 behind the, you know, the, the stadium there. So, we worked
22 with the City, we worked with their police, we worked with
23 their firemen and all that over that. I mean, the Fire Chief,
24 I see her just at social events maybe once every three months,
25 the Police Chief, too, Heather Fong, you know, I see her. I

1 mean, we're not buddies. I mean, we don't hang out together.
2 I mean, we know who each other are, you know what I'm saying?
3 We say hello, we -- I mean, that's the highest levels, okay?

4 And then the worker bees like I said, like Lopez and
5 all those guys, you know, they get with my worker bees, but if
6 I see them, I say hello and all. Yeah, see, so we have
7 relationships with them for the Neptune Coalition. I have
8 relationships with the Port of San Francisco, Monique Moyer,
9 the Port Director; the City staff, their Security Director,
10 Mike Nurni (ph.), you know, who works -- all these guys, yeah,
11 I know them all. I see them all the time. You know, you see,
12 so we have -- so, on a regular basis. I mean, we have our area
13 Maritime Security Committee meeting once a quarter, a lot of
14 those people come.

15 You know, I'm just trying to, I mean, just trying
16 to -- a lot, you know. Not just San Francisco, all of them.
17 But, I mean, if we're just going to talk about San Francisco,
18 yeah, they're one of our bigger customers.

19 Q. Okay. A little bit more about the drills and
20 exercises.

21 A. Okay.

22 Q. What other exercises besides Safe Seas 2006 have been
23 conducted in the Bay Area?

24 A. What we did was -- see, once a year you're required
25 to test your area maritime security plan. So, so, since we

1 have enough real stuff happening, we don't have to do a drill,
2 you know. So, we said why don't we count the MLB All-Star Game
3 as a test of the plan. We're going to utilize all this stuff,
4 we're going to -- we're going to check everyone coming in,
5 we're going to work with the police -- and so, I guess the area
6 Maritime Security Committee could agree because it is made up
7 of other people other than San Francisco, you know? So, so,
8 so, Oakland participated in that. We got them to participate
9 and all that. So, so that -- so, we did that this last year,
10 the MLB Game last year, 2006. So, we did that. So, there's a
11 drill.

12 I'm just trying to think of what other drills we did
13 actually with San Francisco, because we spread them out. Like,
14 we did, we did another security drill with Port of Oakland.

15 Q. What was that drill?

16 A. What was that drill? I'm trying to think. I can't
17 remember, to tell you the truth. It was a test -- oh, oh --
18 well, okay. We did one -- okay, let me back up here. We did
19 one -- the State has one every year, they call it Golden
20 Guardian, okay, which is their -- this year, their Golden
21 Guardian was the earthquake of 2000 -- or, you know, they're
22 redoing the 1906 earthquake, okay? So, they said -- I said,
23 well, you got to put a maritime nexus in it if you want the
24 Coast Guard to play. And they -- so, they did. They said,
25 well, we got a ship -- we had a terrorist blow up something, a

1 passenger ship in San Francisco, we had them blow up a
2 container ship in, in Oakland, and, you know, and all that,
3 what would you do, how would you set up Command Centers, how
4 would you talk to each other and all that stuff? So we did
5 that drill. That was, I think, last year.

6 And then before that, we did one at the Port of
7 Richmond. So, I mean, every time I turned around, we were
8 doing drills. You know, we were doing -- we did a lot of
9 drills. But, you know who knows? You can get all this from
10 our Planning Department. Our Planning Department schedules all
11 these drills. They do that.

12 Q. But the local cities have been taking active roles in
13 these exercises and events?

14 A. The Port does, but the Port takes active -- the Port
15 of San Francisco does.

16 Q. What about the City of San Francisco?

17 A. I never saw them participate in, in this. I'm trying
18 to think in the All-Star Game if they did or not. I can't
19 remember if they did or not. See, the problem you have here
20 and it's not just San Francisco, it's the other Ports, too.
21 The Ports deal with the Coast Guard, okay? And then you would
22 think that the Ports talk to the City people, okay? But that's
23 not always the case. You know what I mean? There's a conflict
24 a lot of times between the City and the Ports people, see? So,
25 when we have a big event, what will happen is, the City --

1 like, a couple years ago we did a couple of drills that we did
2 up at CMA, California Maritime Academy. And so, the Port
3 people came. Well, this is more for Oakland than for San
4 Francisco. And the City people came. And what we found was
5 the Port people knew what to do with us, but the City people,
6 you know, when we talked about the maritime security plan, they
7 didn't even know we had a maritime security plan. You see what
8 I'm saying? All that kind of thing. They just were out of
9 touch with that kind of stuff, you see. So, so for them, they
10 had to get up to speed a lot and all that, the City people.
11 Now, the Port people knew, but not the City people. So, that's
12 why --

13 Q. So, the Coast Guard mainly deals with the Port?

14 A. Generally, yeah.

15 Q. In the area.

16 A. Right.

17 Q. Okay. Now I want to talk a little bit about the ACP
18 and the RCP --

19 A. Okay.

20 Q. -- Area Contingency Plan and Regional Contingency
21 Plan. In the event of an emergency, can you explain Sector San
22 Francisco's role and responsibility as mandated under the ACP?

23 A. Okay, we're talking -- so, we're talking an oil spill
24 or a chemical spill?

25 Q. Yes.

1 A. Okay. Whichever -- because we're Federal On Scene
2 Coordinator. So, okay, so, we have to make sure that the
3 action is taken to, one, identify the spill, mitigate the
4 spill, get it cleaned up and find out who's responsible. Okay,
5 yeah, get it cleaned up, okay. Then the way you do it is you
6 find out who's responsible and make sure they're hiring a
7 contractor to do it, or we do it ourselves, okay? Make sure
8 notifications are made and make sure, if it's a big spill, we
9 set up the Incident Command Post and all that. Or except --
10 because if it's -- if, if a owner takes responsibility, they
11 would determine where they -- you know, so they can
12 determine -- then we, the Coast Guard, would set up a -- of our
13 responsibility is to set up a Unified Command, which is the
14 State, us and responsible party. And then just to take -- make
15 sure an ICP, Incident -- ICP -- IAP, Incident Action Plan, is
16 drafted. Make notifications, Incident Action Plan, okay, and
17 then the resources are where they have to go, and then we do
18 the strategies of fighting the spill. And then afterwards,
19 we're responsible for making sure -- determining the clean is
20 clean standard, okay, and then the -- make sure all the --

21 Q. Whose responsibility is it to ensure that the ACP is
22 followed?

23 A. Us and the state.

24 Q. Who specifically and --

25 A. Well, see, it's a Unified Command, okay? So, that's

1 a -- okay, Unified Command. Technically, we're all equal,
2 technically. Okay, but really, the Coast Guard's got like 51
3 percent, because these are the Federal On Scene Coordinators.
4 So, but, the idea is that it's not run by me telling people
5 what to do, it's run by consensus. That's the idea. Okay?
6 So, we kind of -- the three of us get together and we -- what
7 do you think about this, what do you think about this? You
8 don't just sit there and go you're doing this, you're doing
9 this, you're doing this, you're -- only -- that would be an
10 extreme condition if no one was cooperating and that kind of
11 stuff. Okay, so we come together and -- we say who's -- you
12 can always say the Coast Guard's responsible, but the State has
13 responsibilities under -- we have -- we're responsible for
14 everything, and then we have our little duties, the State has
15 their duties, the responsible party has their duties under
16 that. Okay?

17 Q. Can you identify any aspect of the ACP where, in this
18 accident, the Coast Guard, or Sector San Francisco
19 specifically, fell short of not doing something they were
20 supposed to do?

21 A. In the ACP? No. Okay?

22 Q. Can you -- looking back on the accident, can you
23 identify any weaknesses or problems with the ACP as it's
24 currently written?

25 A. Yeah. Yeah. Well, well, this volunteer business

1 here, okay, they have to make up their minds. What has to
2 happen here now -- well, what happened was, after this
3 happened, the Admirals wrote a change to the ACP right away
4 that says we will deal with volunteers -- okay, but if we were
5 going to sit back and think on this, you know, a little bit
6 more, what we should do is -- that plan, every three years it's
7 revised, okay? 2008, this is the year it has to be revised,
8 okay? This is the third year and all that, so this would be
9 the time to sit down with the State, who's in charge of the
10 volunteer program, and between us and the State -- and then I
11 would get in -- you know, if the City people, if they wanted to
12 participate, and I'll let any City person and all that, I could
13 get their thoughts on how we would -- if we wanted to change
14 it, and how we would do that and all that. So, I think
15 that's -- now, the Admirals pushed one through, so it's there
16 already. So, but, maybe when we, you know, look at it in 2008,
17 we'd look at that even closer, see if that's how we want to do
18 that and all that.

19 Q. So, is that the only revision that was made to the
20 ACP -- in the past, then?

21 A. I'm trying to remember. What happened was, Coast
22 Guard Headquarters sent out a message about two weeks or a week
23 after this happened saying the ACP should look closely at how
24 to deal with other treacherous conditions like fog and all
25 that. Well, they're kind of stating the obvious. You know

1 what I'm saying? You know, so -- but that -- so, how to deal
2 with stuff during fog, how to -- volunteers, communications.
3 Basically, they used this spill, the things that didn't go
4 right with this spill as a guideline in this message on how you
5 should revise your ACP plan. So, that -- you know what I would
6 do? Also, I would say -- I would change -- I would recommend a
7 change insofar as that, that we would notify the cities
8 directly ourselves. If not initially, at least soon
9 afterwards. Because that's not bad. I mean, you can never
10 talk too much to those people, you know, about that idea. But
11 the trouble is, initially, you just don't have time. You know,
12 when all these things are going through, you might not have
13 time, so you depend upon whoever's supposed to do it to do it.
14 But you should, once you get things -- at least past the very
15 initial stuff, do that.

16 Q. Okay. Going on to the Regional Contingency Plan, the
17 Regional Contingency Plan indicates that the Coast
18 Guard's --position -- response equipment, however they're
19 reluctant to position themselves in competition with commercial
20 solutions or a mediation company. What sort of equipment
21 would --

22 A. -- I mean, it's a trailer, it's a trailer about as
23 big -- from here to here, okay? And about half this size,
24 okay? Okay, in our case, so, it's a trailer, and in it is some
25 boom equipment. A boom is basically it. But, those trailers

1 aren't really well kept up, and we've got one down in Monterey,
2 I think we've got one -- we're trying to get rid of all these
3 trailers, okay, because we really don't need them. I mean,
4 here, we used a contractor. I mean, you know, but that came
5 about -- I forget why that came about, probably from the
6 initial -- when things were initially passed. Okay. So, you
7 would always use a contractor first, okay?

8 Q. So, none of the equipment was mobilized?

9 A. No. I mean, when we say none of it, there's not a lot
10 to mobilize. It's just some booms in there, as far as I know.

11 Q. So, the -- their, their response was --

12 A. Yeah. I mean, in the San Francisco area, I mean,
13 this is the best place to have an oil spill, because everything
14 is right here. I mean, I just -- you know, I just looked at,
15 you know, MSRC has boats in Richmond, Martinez, Crockett; and
16 NRC has, has things real nearby, as well. I don't know why I
17 didn't write that one down. But, anyway, so, so they're --
18 okay, yeah, Martinez, Crockett -- oh, Alameda. NRC has
19 everything in Alameda. See, so everything is very close.

20 Q. Okay. All right. And the RCP also says that the
21 Regional Response Team is a regional advisory group for
22 planning preparedness activities?

23 A. Right. Correct.

24 Q. The U.S. Coast Guard Co-chair is the Chief of the
25 Marine Safety Division.

1 A. Correct.

2 Q. So, who would that be?

3 A. Well, there isn't a Chief of Marine Safety Division
4 because we got rid of -- when we became sectors, okay, we
5 changed, and then the districts changed and all that. So, they
6 moved -- it would have been Marine Safety, Oil Pollution was
7 under Marine Safety. So, whoever was Chief of Marine Safety
8 chaired that co-chaired it with EPA, okay? All right. So, now
9 that they moved that over to -- Response, I think -- they
10 didn't even put it in Response, they have a planner. So,
11 whoever's Chief of Planning in the district co-chairs that
12 committee with the EPA. That's how they do it in the -- now,
13 you can -- when the Admiral comes here, you can ask him, but, I
14 mean, my understanding is --

15 Q. Right.

16 A. Capt. Cavanaugh (ph.) did that, and he's Chief of --
17 he was Chief of Recovery.

18 Q. Cavanaugh?

19 A. Cavanaugh, yeah.

20 Q. Okay. Also, in the RCP it says the role of the
21 standing Regional Response Team includes communication and
22 planning coordination, training, evaluation, response, and its
23 preparedness. What review or evaluation or comments were made
24 by the Regional Response Team?

25 A. Well, and it just so happened -- but it just so

1 happens that the Regional Response was meeting. I forget where
2 they were in Las Vegas, wherever they meet. And my lieutenant,
3 Kersey -- Kersey (ph.), she was there. So, she was able to
4 tell them what was going on because we passed the information
5 to her and -- but, usually, what you use a Regional Response
6 Team for was -- you need their permission to, to use
7 disbursements. Okay? Now, you can't do disbursements in San
8 Francisco Bay. So, you know, I mean, we really didn't need the
9 Regional Response Team for that. Now, you know, but they could
10 provide -- like, for -- like, when they were -- now, this is
11 past my time. This is when Paul Guns (ph.) was the Federal On
12 Scene Coordinator. But I think on Angel Island, he had cleaned
13 some rocks and all that, and they - tried some experimental
14 stuff and all that. They would talk to the scientists and all
15 that on the Regional Response Team and they would give them the
16 advise that they would need for that particular thing. But you
17 use the Regional Response Team for that, for their little
18 expert on certain things.

19 Q. Okay. Okay. And it also says in the RCP that the
20 role of the Regional Response Team includes encouraging state
21 and local response -- to work with federal -- to pre-plan
22 multi-jurisdictional response to major incidents. What was
23 done -- are you aware of what was done --

24 A. No. To tell you the truth -- my guess is, whatever
25 they did would be put in the Area Contingency Plan. You know,

1 whatever they decided on.

2 Q. All right. Continuing with the RCP, there's guidance
3 for setting response objectives. What objectives were of
4 highest priority during the response --

5 A. -- I mean, we -- you know how you get them? You get
6 that out of the, out of the -- objectives, to ensure safety of
7 citizens and response personnel, secure the source of the
8 spill, retain and recover spill material -- protection of
9 environmentally sensitive areas, manage and coordinate a
10 response -- cover and rehabilitate injured wildlife, maximize
11 economic impact, keep stakeholders informed of response
12 activities, keep public informed of response activities. Okay.
13 And that's -- okay, those were the response objectives, and
14 then our operational -- for this operational period, it was
15 command -- ID the impacted areas -- okay, submit temporary
16 repair proposal for the ship, continue with the -- continue
17 with the -- continue with retain and recovery efforts, develop
18 a waste plan, conduct and monitor any recycling.

19 Q. That's part of the IAP, IAP --

20 A. Right.

21 Q. From day --

22 A. Day 2, I think it was.

23 Q. Day 2?

24 A. Yeah, because day 1, day 1 and day 2 were the same,
25 because all they did was transfer then.

1 Q. Okay.

2 A. But let me -- I just want to make sure.

3 Q. I have a copy of it.

4 A. Yeah, yeah. Okay, but we --

5 Q. Okay. So, highest priority was --

6 A. Oh, yeah, it's always then. That's always the first
7 thing, always.

8 Q. And what sort of decisions did the Unified Command
9 make regarding protection priority of sensitive areas?

10 A. Okay, well, we boomed on the first day. We boomed
11 Christy Field, Pier 39, Aquatic Park, and around St. Francis
12 Yacht Club, around there. So, got them on the first day. So,
13 that was first day priority --

14 Q. As far as oil leak mitigation, the Regional
15 Contingency Plan states that when there's a hull breach, tanks
16 should immediately be found and then monitored for changes that
17 would indicate a breach. And it also says it is prudent to
18 provide, at a minimum, a containment boom to surround the
19 vessel.

20 A. Right.

21 Q. Was the idea of putting a boom around the vessel
22 considered?

23 A. Oh, yeah. First of all, you know, that's like a
24 state the obvious thing. Now, of course, you figure that out,
25 okay? Okay, the reason why we couldn't figure out right away

1 was because when that gash took place, the sounding tubes were
2 taken out. Okay? Otherwise, we could have got it right away.
3 Okay, you just measure it and, and figure the difference and
4 all that. Okay, you know what was in it, what's left, and then
5 you subtract. It's a subtraction problem. Okay, you know,
6 but, see, because they were taken out, this is why we had to go
7 through all this business of heating the fuel. You had to heat
8 it because those weren't the main tanks, those were the storage
9 tanks, so they weren't drawing from those. So they had to heat
10 it, okay, to move it.

11 So, so, it takes -- they're wondering why did it take
12 so long. It takes time to do all this stuff. This isn't
13 simple, okay? And, and when you explain that to the news guys,
14 because you're past one sentence, you know, you missed your
15 sound byte here, so you can't -- it's hard to get a quick sound
16 byte to explain to them what you have to do to sound a tank,
17 you see? So, but, anyway -- so, yeah, so, okay, that's --
18 obviously, we would do that.

19 Two, on the boom, the boom, that was considered, but
20 where the ship was -- you've got to think about this now. The
21 ship hits the pier, it doesn't stop at the pier. Pier -- hits
22 the bridge, doesn't stop when it hits the bridge, it keeps
23 going, right. It's a glaze, right? Bam, like that. It's not
24 bam like you hit something head on, right? Okay? So it's
25 still moving, right? Okay. So it moves on up to the closest

1 anchorage it could go to, which is anchorage 7, okay? So, now
2 it's there, okay, and still some of it's drizzling out. Now,
3 remember, our calculations show that between eight to ten
4 seconds, most of that fuel was out of there.

5 Now, it would have been a little longer than that,
6 because when it hit the side of the bridge, all that crap from
7 the bridge is now shoved inside of the side of this ship. Do
8 you see? If you took a picture of the, of the, of the Cosco
9 Busan right after it took place, you'd see barbed wire hanging
10 out, you'd see all these pieces of piling shoved in there and
11 all that stuff. Because, you know, when it banged it, that
12 forced the stuff in the hull. So, it couldn't just -- you
13 know, but more -- I mean, it did come out very, very quick,
14 okay? So, one, you wouldn't have time to get it around there,
15 okay? That's the first thing. The second thing is, the ship
16 then moved from 7 to 9. So, we would have to have -- you know,
17 yeah, how would you get the boom and move it all -- it had to
18 move right away to 7 and 9. Then, by the time it got to 9,
19 there's no more oil. Okay?

20 The fourth one -- I just thought of another one
21 here -- because of where that is, a boom is only good if you
22 don't have a current more than like $1\frac{1}{2}$ knots, 2 knots, okay?
23 Well, that's what they got under there. You're under a bridge,
24 right? You know, down there. Okay, so the current, it
25 wouldn't have worked, anyway. So, the question is now, we call

1 these show booms, you know? Would you want to put a boom
2 around so it looks nice on the 6:00 news, you know, or would
3 you want to put that boom at Christy Field where it could
4 stop -- and all that other stuff? You see what I'm saying?
5 And so, that's what we did, okay, because it wasn't necessary.

6 See -- as I'm reading this stuff. It was like, well,
7 obviously, all these oil experts -- you know, we know all the
8 oil experts. I don't even know who these guys are. You know
9 what I'm saying? But they're -- you know, that's one of the
10 criticisms that we got, why didn't you boom the ship right
11 away? Because you couldn't. That was the first one. The
12 second one was impractical; there was no more oil spilling,
13 that's why.

14 Q. Okay. If it would have been boomed --

15 A. Pardon?

16 Q. If it would have been boomed -- let's say -- well,
17 no, I'm not going to into that. Who would have been
18 responsible for -- is all what I want.

19 A. The contractor.

20 Q. The contractor --

21 A. -- the incident, whoever's the incident commander.

22 So, in this case, O'Brien's group was the Incident Commander;
23 they would be responsible for doing that. Now, the Coast
24 Guard's always in charge of everything, you know? That's like
25 saying the President. You know, the President is in charge of

1 everything. Okay, now, we're in charge of everything here, but
2 specifically, it would have been the Incident Commander telling
3 the guy to do it. Okay?

4 Q. Okay. The last one on the RCP. As far as assessment
5 and classification of oil discharge, the FOIC officially
6 classifies the size and type and determines the course of
7 action to be followed.

8 A. Correct.

9 Q. How -- what -- how did you initially classify?

10 A. Well, 140 gallons is small stuff, okay? See, that's
11 true. Now, the trouble is, it's 140 gallons in San Francisco
12 Bay, okay, you know? So, so, that changes everything. You
13 can't tell the people of San Francisco, oh, it's only 140
14 gallons, or it's only ten birds that are dead. You know what I
15 mean? You can't tell them that, okay? One bird is a big deal,
16 okay? Okay, you see what I'm saying? So, so, in other words,
17 you've got to treat this always like it's a big one, okay? And
18 what you do is you roll the stuff out and, if you don't need
19 it, you send it back, and then the ship just has to eat the
20 cost. That's just the way it goes. You know? And so, that's
21 what we did, and that's what they did. They rolled it out
22 right away. In fact, the Response Team here was so good, NRC
23 wasn't even called out. They just heard the call on the radio
24 and they just came out. So, I mean, I guess they knew they
25 were going to get paid. But, you see what I'm saying -- but

1 you know what? -- didn't even call them and they show up. So,
2 this is like a great place to have an oil spill from a response
3 point of view. Okay? Response -- you know, oil response
4 community point of view, not from a citizen's point of view.
5 Okay? You see? Okay. So that's, that's the deal there.

6 So, now, later on, we -- once I knew it was 58,000, I
7 told everyone that this is technically a medium spill, but
8 we're -- you know, you medium, these are our terms. 58,000 is
9 a lot to anybody. Okay. You know, you don't want to tell them
10 a big one's 100,000, you know? You know, that doesn't mean
11 anything to -- you know, that's a lot. So I told them it's a
12 medium spill but we're treating this as a large spill. I told
13 them that the next day when we found out it was 58, and
14 that's --

15 MR. STRAUCH: -- do you want to take a break? It's
16 been about two hours?

17 CAPT UBERTI: If you guys want to take a break.

18 MS. THOMAS: -- I'm done.

19 UNIDENTIFIED MALE SPEAKER: Proceed. You okay? Go.

20 MS. THOMAS: I have a couple questions on the Command
21 Center, and then that's all I have.

22 UNIDENTIFIED MALE SPEAKER: You're okay?

23 CAPT UBERTI: I'm fine. Yeah. Do you guys need a
24 rest?

25 UNIDENTIFIED MALE SPEAKER: It's up to you all.

1 MS. THOMAS: I just have a few other Command
2 Center --

3 MR. STRAUCH: Well, we can take a break right after
4 Crystal finishes.

5 CAPT UBERTI: Okay.

6 MS. THOMAS: These will be quick. Okay. All right.

7 BY MS. THOMAS:

8 Q. And the Command Center Manual, Operations Section
9 states that the Command Center's responsibility is to
10 coordinate operations, support needs, provide reports, seek
11 advise of the Command Center hierarchy, and coordinate with
12 port partners and government agencies. We already said that
13 the district or area was contacted. Did the district or area
14 support Sector San Francisco's need, if they -- it was
15 determined that they needed help?

16 A. Of course. Yeah.

17 Q. So, what did they provide?

18 A. Yeah. Yeah. They, they -- picture. They sent over,
19 they sent over some Public Affairs people. I'm just trying to
20 think. Oh, they, they activated the IMD -- the IMAT, Incident
21 and Management -- whatever A and T. Okay? Okay. And they
22 sent those people over to help us out, okay? Okay. When you,
23 when you have an incident like this, you're fighting two
24 battles. You're fighting the actual oil spill, and then you're
25 fighting -- you're not really fighting, but you have to deal

1 with your own people. You have to keep the Commandant
2 informed, you have to keep the district -- you know, the
3 Commandant doesn't want to wait until the end of the day to get
4 his -- and read it. Okay, you know, he wants to know what's
5 going on like every three hours. Well, that's too much for us.
6 I can't do that, you know. So, they, the district, brought
7 over people that would just do that. So, like, if something
8 happened, I just walked over and whispered in their ear, they
9 would type it out, you know, and they were sending it off to
10 the Commandant. So, they brought over support people to deal
11 with, if you want to say, the hierarchy, okay, which was a
12 great help in all that, okay?

13 Admiral Bone himself helped us out with all the --
14 see, after this starts spinning and getting higher and higher,
15 I've got more VIPs than I know what to do with, okay, because
16 now -- it's hard for me to -- if you do an oil spill incident,
17 there's certain times you do -- you've got this meeting, the
18 next time you have this meeting, then you do this. Then I'm
19 supposed to have the afternoon so I can go out and look and
20 say, yeah, okay -- well, if the VIPs are coming on, I can't
21 chair these meetings, I can't do all this stuff, you know, see?
22 So, what happens is, the Admiral came over and he helped deal
23 with a lot of the VIPs, as well. That was a big help in the
24 beginning -- so, yeah, so he himself supported us, and he
25 brought his staff over to help us out in all that. So, yes.

1 Q. What about port partners and government agencies?

2 A. Helping us, or we're helping them?

3 Q. Helping you. Helping you. Or coordinating with you.

4 A. Okay, the State agencies were -- the State and
5 Federal agencies were -- because they immediately integrated
6 into the Incident Command Post, and all the different, all the
7 different positions and all that, they -- really well. So,
8 that went really well, okay? The City people, okay, they --
9 what we did with them was, we set up a room for them for the
10 liaison room and we gave each one a table. See, this took a
11 couple days to figure this out, because, you don't know that.
12 But by the third day, we gave them each a table. They all sat
13 at their table, okay, and then they would give us their
14 concerns, and we dealt with them that way, and then we would
15 incorporate their concerns into our Incident Action Plan as
16 best we could.

17 And we would meet their needs. For example, like,
18 when they said, well, we need to know by 7:00 in the morning
19 what got done the night before and what we have to do in the
20 morning and you don't give us an IMP until later. So I changed
21 procedures so they can get that. I changed procedures for them
22 so they all got paid. I got them all-purpose so they all,
23 they, they could draw money to cover their expenses for being
24 there. Because some of the people who were showing up are like
25 the police chiefs of the little cities. You know, and all this

1 other stuff, so, you know, that's like a -- when he's got all
2 these little stars, you know? So, so, so I got purpose for all
3 those guys to show up so they would get reimbursed for their
4 expenses out of the fund for that. So that was -- then that
5 way, you know, so I tried to smooth it with them. And then
6 the -- once we got over this initial business here, I smoothed
7 it with them, with the volunteer program and with, you know,
8 getting their concerns and -- just like I would talk to
9 everyone else and all that. So, by about the third -- I'd say
10 about the fourth day or so, things were better with them.

11 So, were they supporting us and all that, by the --
12 well, everyone from the beginning, yes. The City of San
13 Francisco, I think about the third or fourth day, their
14 feathers were unruffled, you know, and, and, and things were
15 better.

16 Q. Okay. Okay. One of the Sector Command Centers
17 listed in the Operation section is to execute communications
18 through sector briefing matrix and collaborate with the
19 appropriate parties. What is the sector briefing matrix?

20 A. It's a, it's a piece of paper that tells them who
21 they have to call.

22 Q. Can we get a copy of that?

23 A. Just ask the -- yeah, call -- you should be able to
24 get that.

25 Q. Okay. And was this briefing matrix completed on the

1 day of the accident?

2 A. To tell you the truth, I'm not sure. That I don't --

3 Q. Okay. Okay. Page 20T-2 of the Command Center Manual
4 states that the additional responsibilities have created
5 Command Centers that are not yet at the optimal operating
6 conditions because of shortfalls in agents and/or
7 infrastructure. And then on page 3-3, it says the Platform
8 Manager acknowledges that not all Command Centers are resourced
9 at the same level. Do you feel there are any shortcomings at
10 the Sector San Francisco Command Center that affected a
11 response?

12 A. Well, sure. Yeah. Okay, one is -- see, Sector San
13 Francisco is a little different from other places. This is --
14 we've got everything you can have is here in -- in other words,
15 we have a Vessel Traffic Service, we have a Regional
16 Examination Service, and lots of -- don't have that, okay?
17 Our, our Vessel Traffic Center is on the top of the hill, the
18 Command Center is on the bottom of the hill. It's about a mile
19 apart, okay? So, to talk to each other, we have to pick up the
20 phone. You know, there's a little video thing if you want to
21 use it, but it's -- video thing. You know, okay, so, ideally,
22 what we should have is a room with a glass partition, you know,
23 with the V -- guys on this side and the Command Center guys on
24 this side so now they can see each other, and if they want to
25 talk to each other, you open the little door and you just walk

1 in.

2 See, that's how a Command Center should be set up,
3 okay? Especially to do cases -- like, like, remember we were
4 talking about that -- case where he had to go -- they had to --
5 pass it back and forth -- are just right there, they can hear
6 it, you know? Just open the door and they'd be able to hear.
7 Okay, so, so, that's the way it should be set up, and we're
8 working towards that, okay? The other trouble -- well, okay --
9 so, that's the -- that's one change we should do.

10 The other one is the type of person now that is sent
11 to a command center. In the old days, we would have
12 quartermasters who were guys that were off of ships that would
13 come in, they had ship training. We would have -- mates in
14 there that had some -- that were seasoned guys, okay? Now we
15 have this new way rank called Operational Specialist, OS, okay,
16 which you can become without a lot of sea time, without a lot
17 of this, you see? So, they're not as seasoned, I guess you
18 would say, okay, as they were before. You know, before it
19 might be you would get a radio man, and a radio man had to do
20 tours on ships. These guys may or may not. You see? All
21 that. So, the type of person standing at radio watches and all
22 that are not as, as seasoned as they were.

23 Okay, now let's do the officers here. Okay. The
24 difference between an Operations Center and a Command Center,
25 well, this was just a group -- you know, we made a Sector right

1 out of these three Command Centers, right? Okay. Okay. Well,
2 this was just a group that was called an Operations Center, and
3 the Operations Center tapes -- an Operations Center actually
4 controls things. In other words, they talk to our ships, okay,
5 tells our cutter you go here; it tells that helicopter we need
6 you to go here; tells the little small boat do this, do that.
7 Okay, you see what I'm saying? So, he's actually directing our
8 own resources here. Okay? That's what an Operation Center
9 does, okay?

10 When we made the Sector and we included the marine
11 safety stuff in there, okay, now we have a problem, because
12 these guys that are used -- and normally, they're directing SAR
13 operations, Search and Rescue operations. So, they're doing
14 the little expanding squares, they're doing all the search
15 patterns, they're calling this to them, telling them what to do
16 and all that. They're experts at that. Okay? Now, here, we
17 become a Sector and we get these additional responsibilities --
18 or, we're combining all of the responsibilities together, okay,
19 and they want everything combined and focused at the Command
20 Center. So, now the Marine Safety guys are suppose to report
21 to the Command Center and tell them what to do. Well, they can
22 do that, but someone has to be at the reigns in the Command
23 Center that knows what they're talking about. If a Marine
24 Inspector calls up and says, you know, I've got a gash in the
25 ship and -- container ship or -- you know what I'm saying? Do

1 you see what I'm saying? Because it's not one of our own --
2 it's not -- you see?

3 So, so, now what we had to do was, we had to cross-
4 train officers. We had to, we had to make them -- SAR
5 officers, we had to make them Operational officers and we had
6 to make them Marine Safety officers, see? So, so, in order to,
7 in order to properly be the -- remember, when you interviewed
8 Gore, he had to learn both sides, okay? Well, he's a, you
9 know -- he's a young kid, okay? I mean, he's smart, but, you
10 see what I'm saying, but he's, you know, he's not a seasoned
11 guy, right, and all that stuff. So, we sent him to -- we
12 didn't send him -- we sent him to the -- the petty officers
13 school that they would go to so he at least can learn that,
14 okay, and then we sent him to SAR school and all that, okay?
15 Then he has a little -- book -- not a little but a fat -- book
16 that he had to go through and get all this stuff signed off --
17 all these watches and get all this signed off, and then the
18 last thing he does is he has to go in front of me and the
19 department heads. Okay, okay, and this -- we do is -- so, I --
20 or we give them an incident, like say a ship's sinking here,
21 da-da-da-da, okay, real quick, tell me what you do. Because I
22 just want to see his thinking. You know, what does he think,
23 is he thinking about an oil spill, is he thinking about
24 allision, is he thinking about calling out the -- is he
25 thinking about a search and rescue team, is he thinking

1 about -- you know, what are his priorities in all that, and
2 that's how they get qualified, okay?

3 So, so you can -- you do, okay, and they do it, but
4 they're not this seasoned salty dog that's been sailing. You
5 see what I'm saying? I don't got that, okay? You see? Okay.
6 But, we, we -- to make up for that, we give them as much
7 possible training as we can give them, and then we give them as
8 much practical exercises as we can give them, okay? And that's
9 how we solve this, okay? So, when this thing happened, you
10 know -- you've got to remember now -- you're saying why didn't
11 you do the checklist? Remember, he was worried about it, like
12 we all were, about the bridge business. Okay? This was a
13 little confusing in the very beginning because of the bridge
14 scenario. Okay. But he did the best that he could do and
15 keeping all this other stuff -- while the ISD people are coming
16 down, you know, and helping him as he passed this information
17 back to them. Does that help you on that?

18 Q. Yes.

19 A. Okay.

20 Q. So, do you feel that the knowledge base or experience
21 level of the Command Center at the time of the accident was
22 adequate to dispense all the incoming information that was
23 being received?

24 A. I feel -- no. Okay, what I feel was -- see, could
25 they minimally do the job? The answer is yes. When you're

1 qualified, that means you can minimally do the job. That
2 doesn't mean you're some real expert. That means you minimally
3 pass. Okay, that's what we had there, okay? The trouble is,
4 this wasn't a little oil spill or a medium, I mean, this was a
5 big one and all that. And so, in that case, what should have
6 happened was, if I had Obondi here, Lt. -- Obondi, remember I
7 told you? And he would have come down and, and, and run it for
8 him, or, or told him what to do, or helped him. You see what
9 I'm saying here? But I didn't have him, I had Lt. JG
10 Schneider, who -- she is very good, too, but, see, she's two
11 years. You know what I mean? Or maybe three, you know, and
12 all that. Okay. See, now, she's smart, too. She, she's on
13 the IMAC team, she's -- you know, she teaches ICS, she does
14 that, but she's not the -- well, I don't know, they sent her
15 out on EPA spills and all that, so she has some -- but she
16 hasn't done anything big like this, see? Okay, so, so, were we
17 minimally manned to do it, minimally. Okay, you see?

18 Q. Okay.

19 A. I didn't have the varsity team there, I guess you
20 could say. Okay? Put it that way.

21 Q. So, could people -- but would individuals with more
22 experience with oil spills maybe have assessed the information
23 differently?

24 A. Yes. Oh, yeah. The answer is yes.

25 Q. And maybe they could have --

1 A. And maybe we would have got the -- I want to say the
2 correct amount, but we didn't get the correct amount until the
3 OSPR got there, but, but we could have got a better picture
4 that this was more than 140 --

5 Q. Based on the observations --

6 A. Sooner.

7 Q. -- and reports back?

8 A. Sooner. You know what I mean? By the time I could
9 get out on the boat, it was 4:00 -- you see what I'm saying?
10 We might have got that sooner. You know, because when he came
11 back and said -- you know, that kind of stuff, you know.

12 Q. So, how do you think that the Command Center at
13 Sector San Francisco could be improved?

14 A. Oh, man. It's going to take a while before we get
15 the type of officer in there that's, that's -- knows both sides
16 of the house. It just takes a while, because to get -- that's
17 all. I mean, this is a time thing. See, the Sector thing just
18 got put into place 2005, right? You know, so it's going to
19 take a while. See, I'll give you an example here. If this
20 spill happened last year, even if I had Gore in the Command
21 Center and Obondi was up in Commandant land there, okay, you
22 know, this would have worked out okay because my, my -- what's
23 it's name -- my Planning Chief -- no, my Logistics Chief, Danny
24 LeBlanc (ph.) at that time, used to be the Chief of Port
25 Operations at the old MSL. So, in other words, he was an oil

1 guy. You see? So, I could have just grabbed him and said,
2 well, forget that, you're not doing logistics, you're over
3 here. You know -- you see -- and even commanders, well-
4 seasoned guys, see, because, you know, we move you around
5 but -- you're moved around but you still have those -- you see.

6 By the third year of the Sector, which was this
7 year -- those guys now were moving more towards this. And
8 those guys that were cross-training from the -- are gone. You
9 know what I mean? They're off other, other units now, you see?
10 So, you know what I'm saying? I didn't have the backup, I
11 guess you could say, of people with the -- in other places, you
12 see, that I could pull them over. Like the guy in planning is
13 like a real planner, you know? The guy in logistics is like a
14 real logistics guy, you know what I mean, he's not a used to be
15 an oil guy now he's a -- you see what I'm saying? That kind of
16 stuff, you see? His background is really logistics. You see,
17 the planning guy was a, was a lawyer, you see what I'm saying,
18 all that. You see, so they're, so they're more key to the job
19 that they're doing. They're not, you know, guys that had other
20 qualities that they're not -- you see, that -- I guess this was
21 like just, just -- it's just the way the, the cards crumbled
22 this year, you know. You know, what can you say, you know.

23 Q. Do other command centers experience similar -- are
24 you aware of any command centers that experience similar
25 problems?

1 A. Well, you know, I can't really speak for them,
2 because I haven't been there, and you know, I've been down to
3 San Diego, and I've seen that they have JPOX (ph.) down there
4 and all that, and they have it where -- you see, the difference
5 there the Navy pays for everything down there. You know, so
6 they have this big training center. There's a place for the
7 Navy. There's a place for all the different government
8 agencies right in that command center. That would be really
9 ideal. See that -- there is a change. If I recommend that,
10 make the command center big enough to include spaces for the
11 other agencies and all that. See, because then they would just
12 show up and sit down in their little place. You see what I'm
13 saying, their place is there. You see, but it's harder to do.
14 See, in San Diego you have one port police for the entire port.
15 See, ours we secure every -- so all you got is -- and we're
16 done. Here I'd have to sit down in seven different counties.
17 See, this is a lot of seats, you know, it did all that. So
18 see, it's not as easy to do things here. It's much more
19 complicated here because of the way we're set up and the way
20 we're spread out. San Diego is pretty tight. LA is pretty
21 tight. We're spread out you see so -- okay.

22 Q. That is all of the questions that I have for you
23 right now. Thank you very much.

24 A. Thank you.

25 CAPT UBERTI: Okay, can get time out here?

1 MR. STRAUCH: Yeah, why don't we take a short break?

2 CAPT UBERTI: Okay.

3 (Off the record.)

4 (On the record.)

5 MR. STRAUCH: All right, we're back on the record.

6 UNIDENTIFIED MALE SPEAKER: -- in this case.

7 BY UNIDENTIFIED MALE SPEAKER:

8 Q. Captain, I just have a couple of follow-up questions.

9 A. Sure.

10 Q. The first one is with regard to how the Coast Guard,
11 I don't want to say routinely, but how they search and -- maybe
12 the best way to do that is a short scenario. Let's say a pilot
13 is aboard a ship. The pilot reports that the ship has a
14 problem with a radar or steering equipment.

15 A. Okay.

16 Q. What, what set of events would that place in action?

17 A. Usually, well, it depends -- okay, before the ship
18 gets underway he --

19 Q. Okay, let's say you're not on a pilot -- he's coming
20 in.

21 A. Yeah, so the ship is moving.

22 Q. Yes.

23 A. Okay, he's coming in, and he's got an issue with,
24 with this. Okay, normally what we do here is the -- we have
25 what we call a benevolent relationship with the pilots, okay,

1 and the pilot would say I'm going to take it to Anchorage 9,
2 okay, and, and the BCS would concur on that. So it's not so
3 much -- that's a good point, yeah. It's not so much that he
4 gets ordering all this around. It's more of like concurring
5 with the pilot. They can. They can say no, don't go there.
6 You have to go here. But normally, under normal operations,
7 the pilot would say I'm going to take it to -- I don't feel
8 comfortable taking it to Richmond, you know. I, I'm going to
9 take it to Anchorage 9 or, you know, which is a standard
10 anchorage. So that's how it, that's how it would play on day
11 to day --

12 Q. And once the ship was in anchorage --

13 A. We -- we're on the ship that the ship can't move
14 until the radar is fixed or whatever is wrong with it. We send
15 a marine inspector down there. What -- most of the time
16 they're foreign ships so, so when a clarification -- which is
17 the organization that certifies that the ship meets the
18 international rules, what happens then, they're represented out
19 there and fix what's ever fixed, send us a copy of whatever is
20 wrong and then -- and the marine inspector would look at it,
21 and if he feels he has to go back and look at the ship itself,
22 he'd look at it. Otherwise, he'd take the certificate, it was
23 fixed, and release the ship.

24 Q. So does he just report BPSCPS (ph.) at your office
25 for the, for the captain of the port order --

1 A. Yes, yes, for captain of the port order they call it.
2 What happened is they would call the command center, and the
3 command center would draft the captain of the port order, and
4 they would come into your -- and they would say listen -- there
5 so the pilot -- and then they say okay or no and, and it's
6 fine --

7 Q. Okay, and the other follow-up had to do with reported
8 oil, and you had said that the pilot said 10 barrels?

9 A. Correct.

10 Q. Can you explain that a little?

11 A. He looked out the back or he looked -- the front, the
12 forward part of the ship, saw the oil coming out and just -- he
13 just made that number. He guessed it and said it was 10
14 barrels. He said we got about 10 barrels. They cut that --

15 UNIDENTIFIED MALE SPEAKER: You need to sign on it --
16 I can find it.

17 CAPT UBERTI: Do you know who I think said the 10
18 barrels was the replacement pilot, the -- not Cota but the next
19 guy, whoever that was.

20 UNIDENTIFIED MALE SPEAKER: Comer (ph.).

21 CAPT UBERTI: I think, I think that was him.

22 UNIDENTIFIED MALE SPEAKER: Okay.

23 CAPT UBERTI: Yeah. I mean if I find it --

24 UNIDENTIFIED MALE SPEAKER: That's fine.

25 CAPT UBERTI: Okay.

1 UNIDENTIFIED MALE SPEAKER: That's all I have.

2 UNIDENTIFIED MALE SPEAKER: Okay, could you identify
3 yourself?

4 MR. BROWN: Steve Brown.

5 CAPT UBERTI: Oh, oh, -- 9:30, pilot again stated --
6 so a second time, pilot again stated approximately 10 barrels
7 had spilled, and the leak was secure. So that's by 9:30, okay.
8 That's, that's what I have for it.

9 UNIDENTIFIED MALE SPEAKER: All right.

10 CAPT UBERTI: Okay. Okay.

11 BY MR. BROWN:

12 Q. Steve Brown with the American Pilots' Association.

13 A. Oh, okay.

14 Q. Captain, I just -- you had mentioned earlier when,
15 when you talked about Cota getting drug tested, excuse me,
16 alcohol tested --

17 A. Um-hum.

18 Q. -- that you had talked to Capt. McIsaac?

19 A. That's correct.

20 Q. And, and the way you worded it, I believe, was that
21 Capt. McIsaac was going to test him and --

22 A. Was going to test him at, yeah, at the pilot station.

23 Q. Was it Capt. McIsaac doing the testing, or was he
24 merely bringing in --

25 A. Oh, I don't know. I mean he, he -- Capt. McIsaac was

1 basically telling me that he was going to take care of getting
2 the pilot drug tested is what I got out of that.

3 Q. And that -- I just wanted to be sure.

4 A. But he --

5 MR. LEE: -- Ross Lee, Coast Guard. I have no
6 questions at this time.

7 BY MR. PREPAN:

8 Q. Marelli Prepan (ph.). Is it not mandated to have --
9 \$2,000 within -- for 24 hours for a spill response?

10 A. Yes.

11 Q. And --

12 A. They had more than -- they had way past that. They
13 did way -- this response -- that's a good point. This
14 response -- the, the -- you know when you were asking what
15 recommendations would you do better for -- or not -- okay,
16 okay. The changes that I would recommend had nothing to do
17 with the spill response. It had to do with how I fixed my
18 organization or how I, you know, how I would change it. The
19 response would have been about the same, I would say basically
20 the same, you know, I mean maybe be a little more nervous when
21 you're looking -- you know what I'm saying, but it would be
22 basically the same, okay, because the requirement for somebody
23 within 6 hours, we had within 2 hours. Okay, we had more than
24 what was required. So this was, like I said, this was a
25 typical response, and then we actually recovered 8,000 gallons

1 on the first day. That's, that's a big deal. That's,
2 that's -- so, so the response itself went very well, but you
3 would never know that from reading the newspaper after it's
4 all --

5 Q. One last question. Did you know if the pilot of the
6 Cosco Busan, did he report any troubles with the ship's
7 equipment before or after the allision?

8 A. No. He didn't -- no. When he was getting
9 interviewed by the investigating officer, that's when he said I
10 didn't like the -- I think it was the radar. He said I didn't
11 like the radar. I had a problem with the radar, this, this and
12 that, and then his lawyer was saying, you know, to the press
13 that the ship had problems with electronic charts. The ship
14 had problems with that. That's what he was saying, but no. I
15 mean let's face it, if he, if he was really having problems
16 he -- why would that get in your way? It doesn't make sense.
17 You know, he, he -- because we would hold the ship and make him
18 fix it -- if he was having problems.

19 Q. Thank you, Captain.

20 A. Yeah.

21 BY MR. HOLLY:

22 Q. All right, Captain, Rick Holly. Fish and Game, OSPR.
23 I just have three different questions in three different areas
24 here starting with regarding drills and exercises that the
25 Coast Guard, they do jointly together throughout your time as

1 captain of the port, have you ever seen any oil specific --
2 that have been exercised by the Port of San Francisco, the City
3 of San Francisco, or have you seen any oil spill equipment that
4 they had?

5 A. No.

6 Q. Or have they ever -- quarterly you have ACP meetings,
7 and the various cities and ports are -- can be represented
8 if --

9 A. Right.

10 Q. -- they choose to come to these meetings. Has the
11 City of San Francisco or any other cities at any time asked to
12 be included in any drills and exercise any equipment that they
13 might have?

14 A. Now that one I'm not sure about. See, let me tell
15 you how the, the ACPs work first. First of all, most captains
16 of the port -- I'll say most zones or areas of responsibility,
17 captain of the port zones have, have one area ACP, like one
18 area -- they call it area committee. They have one area
19 committee, okay, and the area committee is the one that revises
20 the plan. The area committee doesn't have anything to do with
21 this stuff. Okay, this zone is so big that we have three. We
22 got a northern, a southern and a central one, okay. So there
23 is no way that I -- and normally they're chaired by the, by the
24 federal on-scene coordinator, okay. But this port, it's too
25 big. I just can't do that, okay. So what I do is I have my

1 own lieutenants and JGs. They each get one. You know, one
2 gets -- the central one gets that and then -- and so once they
3 invite me to these, if I can go, you know, maybe once a year I
4 can make one of them, okay, all that. And I just look and see
5 who is there, because you're right, it's who shows up that,
6 that day, and I can't remember, to tell you the truth, if
7 they're -- if they were present for this or that. Generally
8 the people you get are the environmental groups are more
9 interested, and they show up, okay. The national and state
10 people show up. OSPR or somebody is there, okay, and you know,
11 sometimes a NOAA guy shows up and I -- and all that. You see,
12 you don't always get a lot of the city people, okay. But to
13 answer that -- you get staff. You just got to ask OSPR here.
14 They would know that, okay.

15 Q. Okay. Back to the, back to the cities again, and I
16 wanted to talk a little bit about volunteer programs and there
17 are -- there's one that OSPR participates in --

18 A. Right, that's one. That's right.

19 Q. Volunteers and that's --

20 A. Right.

21 Q. -- so it's separate and apart and what I'm getting
22 at -- you had mentioned, and it was my understanding as well,
23 that this volunteers to pick up actual oil on the beach is, is
24 something new at least to me. I'd never heard of it before.

25 A. Well, it specifically says not to do it.

1 Q. Yeah.

2 A. Yeah, okay. Do you see? So they don't want them
3 doing that, okay, so, so yeah, of course it's new, you know.

4 Q. So going into this, this spill, this -- had this ever
5 been brought up before in any --

6 A. No.

7 Q. -- forum that you know of --

8 A. Never, never.

9 Q. -- volunteers -- to pick up oil?

10 A. No, no. The, the city had a program with the
11 fishermen where they would register and all that, and I mean
12 even that recipe kind of expired. You know, that was a long
13 time ago too, okay. So -- but no. See, and again, like I
14 said, it's the other way, okay.

15 Q. So this was the first time really where the ACP,
16 which is your planning document for spills says do not use
17 volunteers --

18 A. Yeah, for this, for this --

19 Q. For this?

20 A. Right, that's right.

21 Q. Yet this is where you seem to say --

22 A. -- I said, right. See, to me this was another unfair
23 hit for two reasons. I mean you take the hit. You got the
24 hit. You -- okay, but, but the point here is that one, this
25 was the state's responsibility, and two, you weren't supposed

1 to do it period and, and so what the state was doing I, you
2 know, I replayed some of the newscasts at the very beginning on
3 this because, you know, it's my -- by the third or fourth day,
4 you know, the public service had got it together, you know, and
5 they're handing me every day, I got the news clips written, and
6 then they would give me the videos on a CD and all that, okay.
7 So I was playing back some of these CD things, and I remember
8 the poor state lady going up to one of these meetings, telling
9 them exactly what they're supposed to do. Now you can't touch
10 the oil. We don't want you to touch it. They're all -- and
11 then they had coverage of that. They're, they're there to
12 learn how to pick it up not to tell them they can't pick it up,
13 you see.

14 And so, so she was doing -- technically the state at
15 that point was doing what they were supposed to be doing in the
16 plan, you see. So, so you know, so we're getting criticized
17 for this volunteer system. It's, it's not that we, we don't do
18 volunteer -- it's that we don't want them to do that. You
19 know, it's not that we overlooked it. They thought about it
20 and said don't do that. So of course there's no plan for that,
21 for that piece of that, you see, so --

22 Q. Sure, and yet as I understood your previous answers,
23 to do the training, you know, with the, well, PPE, personal
24 protective equipment, took your resources away from responding
25 to the spill?

1 A. Right. I had pulled the contract people off of China
2 Beach, okay. So, so you know, let's go ahead -- and so
3 basically it slowed it down I guess is what she said. This is
4 one of those political things you just have to do, you know, so
5 you do. You know, that's, that's the way it goes, you know.
6 So I mean the thing with San Francisco Beach, if they want to
7 get it open, yeah, you know -- opened when it's clean. So
8 either we clean it or you clean it. However you want to do it,
9 okay, so--

10 Q. Okay. I, I just want to shift gears here a little
11 bit, and I want to talk a little bit about BPS.

12 A. Okay.

13 Q. Could you -- my understanding of BPS -- or let me
14 see. Let me back up. Are BPS operators required to have any
15 Coast Guard licenses, any navigational expertise or any
16 knowledge, the knowledge of tides and currents especially --

17 A. No, no, but obviously that's preferred, you see. So,
18 so in other words, if we have two applicants and one has got
19 that, you know, and one doesn't, obviously there's the guy
20 they're picking, all right, provided everything else is even.
21 Okay, and, and sometimes we're lucky enough to get a former
22 Coastie, you know what I mean, or sometimes you get the
23 military guy that had that job, yeah, that retired and he
24 takes -- sometimes, you know -- but generally no. Okay, so
25 that's not a requirement. In other words, we haven't tied that

1 position. We don't say you need a master's license or anything
2 like that, and no master -- you got to be careful there. I
3 mean it depends how much money he would want to work for, you
4 know, okay. But I mean those positions are not high-paying
5 positions, you know, so, so a guy with a master's like can make
6 a lot of money -- ships or doing port, port captain work or
7 that kind of stuff, you see, as opposed to, you know, sitting
8 and looking at a screen all day and doing, you know, that, that
9 so --

10 Q. So their, their basic expertise, if I understand it
11 correctly, is in the ability to read contacts on a radar and
12 get -- and speed?

13 A. That's right. That's their -- that's what they're,
14 that's -- in order to get certified, that's what they have to
15 do. They have to be able to look at this radar scope and
16 figure it out, so they have to know where all the danger areas
17 are. They have to know what each ship -- where each ship is,
18 and what's the name of each ship, and which way is he going,
19 and is he going the right way -- way -- understand. I mean
20 there's a lot to it. You just don't have to be a master,
21 that's all I'm saying, okay. But it's, it's a very complex
22 program. Then they got -- besides doing all that, they got to
23 get out and ride the ferries. They got to, you know, we give
24 them practical stuff so that, you know, all that so --

25 Q. That's all I have. Thank you very much.

1 A. Okay.

2 UNIDENTIFIED MALE SPEAKER: --

3 CAPT UBERTI: Oh, it's the second round?

4 (Laughter.)

5 UNIDENTIFIED MALE SPEAKER: Hopefully it will be --

6 BY UNIDENTIFIED MALE SPEAKER:

7 Q. How many people work in BPS?

8 A. I don't know right off the top of my head. I, I
9 would say 30 but --

10 Q. How many people work in a shift?

11 A. Shift is two to three, three radar scopes, a
12 supervisor, so let's say four on a shift just doing that, but I
13 would check on the BPS, but that's, that's what I believe,
14 about four.

15 Q. How long does it take to train someone to be
16 certified to work the scope?

17 A. Again, you got to ask them, because I don't certify
18 those guys there but I would say -- when I say I don't certify,
19 I don't -- but I would say about 6 months.

20 Q. -- was there?

21 A. That I don't know.

22 Q. You said earlier in that, that if the pilot had
23 trouble with, with the equipment, you would expect that pilot
24 not to go --

25 A. What he would do is he, he would call. You know, he,

1 he would call the VTS and say ship has a problem with the radar
2 or something like that, okay, and then, then the, the VTS would
3 call the command center, and then we would take appropriate
4 action if we order it to stop or we order to fix it or, you
5 know, or, or it depends, you know, if it's a clear day and he,
6 and he is going to get it fixed somewhere else and we order an
7 extra -- you know, there's all kinds of ways to deal with it
8 so, so -- but that information would be passed up, and the
9 pilots usually do that. They -- because they don't want to,
10 you know, get in trouble, you know, and all that.

11 Q. That information would be passed up to whom?

12 A. The -- they would pass it to the Vessel Traffic
13 Service, and the Vessel Traffic Service would pass it to the
14 command center.

15 Q. And then they --

16 A. And they pass it to me but that -- I mean it would
17 go, it would go from me to if this was, if this was a radar,
18 then it would go to prevention, chief of prevention who would
19 then send it over to me.

20 Q. So you would be informed if this had happened?

21 A. Yes.

22 Q. Okay. How often were you informed of these kinds of
23 problems --

24 A. This kind of --

25 Q. -- anomalies --

1 A. -- yeah, this kind of stuff happens every day or
2 every other day, I mean on a regular basis. You know, the
3 radars, they're not working. You know, they're, they're
4 required to have two radars, but one will be out, so they will
5 either, they will either -- we either make them get it fixed
6 here, or if the problem is big and if they can't get it fixed
7 here, and they have to get it fixed someplace else, then we'll
8 say okay, clear -- it has to be clear. You know, it has to
9 be -- you can take an assist tug out. You know, we'll put
10 restrictions on them for them to leave, that type --

11 Q. Who makes the final determination as to whether a
12 ship has the right equipment working in order to go anywhere,
13 the pilot or somebody else?

14 A. Well, the master is responsible for his ship, okay.
15 So it's always the master who's responsible.

16 Q. If the pilot, however, feels the radar isn't -- or
17 some piece of equipment that's critical to navigation isn't
18 working properly, and the master feels it is working, what
19 would you, what would you expect to happen?

20 A. Well, depends how bad the pilot feels, but if he
21 feels that way, he would call us to tell us. Then what we
22 would do is we would send out -- well, okay, if it's a foreign
23 ship, again we'd send the classification guy down there, and he
24 would tell us if it was working or not.

25 Q. Can one assume that, that if vessel does go underway

1 that the both the master and the pilot agree that, you know,
2 critical equipment is working properly?

3 A. Well, what's supposed to happen is that, okay --
4 supposed to happen. Before the ship gets underway, the, the
5 captain, the master is supposed to do a check of all this
6 stuff. He's supposed to do a check before he comes into the
7 port, and he's supposed to do a check when he leaves. That
8 means he's supposed to check the radar. He's supposed to check
9 all the stuff, make sure it's all working right, okay. When
10 the pilot comes on board, under their own, their own guidance,
11 they check for themselves whatever they want to check, okay,
12 and then they leave. But the, the, the responsibility is
13 always on the master for the ship, for the -- primarily on the
14 master, put it that way.

15 Q. What about consistency in -- across -- there are many
16 factories with the same equipment like -- for example. Would
17 you expect -- how, how much do you expect pilots to
18 reasonably -- I guess --

19 A. That I can't, that I can't answer. I can't -- you
20 got to ask a pilot that, okay.

21 Q. Are their military rules pertinent --

22 A. No, that I know of, no. I mean other -- they, they
23 don't say -- you have to know how to operate your own
24 equipment, okay. You know, they don't think there's a nexus
25 or, you know, this kind of stuff, okay.

1 Q. Are there any Coast Guard rules requiring pilots to
2 carry certain equipment with them on board?

3 A. Pilots to carry? No.

4 Q. Pilots. The pilots --

5 A. No, there's no, no rule for that. But like I said,
6 there are rules that say before you get underway, we call them
7 the navigation safety rules. One is 33 C.F.R. 164, that says
8 you have to test your equipment before you get underway, make
9 sure it works, okay. So it doesn't matter what make it is and
10 all this other stuff, okay, so --

11 Q. How long did you teach history?

12 A. I think 2 years.

13 Q. And then you left because of --

14 A. Right.

15 Q. And why did you leave?

16 A. Because I wanted to go in the Coast Guard. What my
17 plan was was to go into the Coast Guard and retire after 20
18 years and go back and, and teach school. Then I could afford
19 to be a schoolteacher, you know. But then I liked it so much,
20 you know, by the time you start hitting 20, I was like a
21 commander -- finally you make it, you know, to the, to the top,
22 you know, so it's kind of, you know, these are the positions
23 you like, you know, and it's even more fun, you know, so I, so
24 I stayed.

25 Q. That's all.

1 BY MS. THOMAS:

2 Q. The Mayor of San Francisco mentioned something about
3 a fireboat that came out to the bridge within about a half hour
4 after the accident?

5 A. Right.

6 Q. And was sent back by the Coast Guard?

7 A. That wasn't true. Okay, we're not going to -- let's
8 see here. The fireboat calls the command center and says do
9 you, do you need us to get underway, you know, to do, you know,
10 and they said no, we don't need you. I'm, I'm summing this up.
11 You can get the tapes and play it, because it's more than just
12 the tape. It's, it's a cell phone conversation as well, okay.
13 So they basically said no, we don't need you, because we didn't
14 need a fireboat, whatever they got. But, but if they wanted to
15 get underway they could, okay, so we didn't tell them not to
16 get underway. We just said we don't need you. That's, that's
17 all, you know, so -- now mind you, we already had the police
18 boat underway. I don't think the Mayor knew about the police
19 boat, you see. That's -- he got -- it's -- so, so anyway, so
20 that's, that's the fireboat story.

21 So now the Admiral was upset about -- what happened
22 here was the -- at the very -- about a day before Thanksgiving,
23 Mayor Cockley (ph.), who is charge of the command center, had
24 an interview with the San Francisco Chronicle, okay, and at
25 this Chronicle, you know, they're asking these, these questions

1 but without trying to get the full -- they just want the answer
2 to this one little yes or no question but that's -- if you just
3 do that, you will get the wrong picture, you know, and see,
4 that's the kind of stuff that they're asking. But basically
5 what Mayor Cockley said was, was that we didn't say we couldn't
6 use the -- them. You know, we just said we didn't need them,
7 okay. So the Admiral was upset, because he said this is
8 misleading, da da da da. Do we need it or not? You know, I
9 need to tell them you wanted the boat or not. Okay, so we said
10 we didn't need it, you now. See, because the -- was the press
11 went back and -- the Mayor with that. He -- and the Admiral
12 was trying to make peace with the Mayor.

13 Q. Oh.

14 A. You see, so, so here he is -- now this is like a slap
15 back in the face. See, the Chronicle played both sides here,
16 you know. So, so he's like slapped back, and now the Admiral
17 is all upset that we did this interview with him and all that,
18 but you know what I'm saying. I mean this is like the -- it's
19 the glass half empty or the glass half full. He said he didn't
20 need you. You could still get underway if you want to. Do you
21 know what I'm saying? It's just that he said he didn't need
22 you. So you know what I'm saying? So, so did we say he
23 couldn't come out? No, we didn't say he couldn't come out.
24 Did we say we needed you? We said we didn't need you, okay.
25 You see?

1 But then after that what the Admiral did was he put
2 out another -- his own press -- he called me and said I'm going
3 to put up another press conference saying sure, you know. I
4 mean I understand what you're trying to do, you know, and so --

5 Q. What purpose would the fireboat serve?

6 A. The reason we said we didn't need it is because, see,
7 we had -- see, but this goes back to telling you the good
8 relationship we had with the City of San Francisco, the worker
9 bees. You see, that's what I'm telling you. The fire chief
10 was just being a nice, a nice guy or girl, you know, or woman.
11 You know what I mean? She's just being nice. She -- they're,
12 they're just asking because we have a good relationship with
13 them, you know, like we do with the police boats and all this
14 other stuff. Do you need my boat? They hear the stuff on the
15 radio, so they're asking us could you use a -- we didn't, we
16 didn't need it, because we already had the other boat. We had
17 enough boats in port. All they could have done was help us
18 enforce the security, but we had enough boats out there.

19 Q. So they didn't take offense to that?

20 A. No.

21 Q. The Mayor took offense to that?

22 A. I guess.

23 Q. --

24 A. I can't really speak for the Mayor, okay. No, but,
25 but my point is, you see, we don't have any problems with the

1 city. We can work great with the city and the fire department
2 chief and all that stuff, just like we did with the police and
3 all, all the --

4 Q. Okay, one more about the command center. The manual
5 states that the command center is responsible for four primary
6 feedback mechanisms, the NIKL (ph.), the SIGRATS (ph.), OPSUMs,
7 and then daily and situational briefs. Could you summarize the
8 OPSUMS for A-1? Do you know what, do you know what --

9 A. Well, okay.

10 Q. Or could we get -- do you know the OPSUMs --

11 A. I don't know if I -- okay. The -- with that -- no,
12 I'm sure it's -- I don't have a copy of that. I don't know, do
13 we -- I don't even know if those are kept to tell you the
14 truth. You know, I mean I'm just trying to think -- what the
15 OPSUM is, it's just, it's just -- OPSUM means operational
16 summary of everything that happened that day.

17 A. Now on this day, you know, this, this will be a long
18 one here, okay. Well, really they don't make it long because
19 they -- it's a summary. It's not every single thing that
20 happened. It's a quick summary and all that, and the, the
21 purpose of the OPSUM is for two things. One, it is for me,
22 okay, and two, for the district to let, to let them know what's
23 going on.

24 Q. So it's nothing for critique or --

25 A. No, no --

1 Q. Oh, more like --

2 A. -- it's just this is what happened. Yeah, it's just
3 this is what happened that day.

4 Q. I don't need that one.

5 A. Okay.

6 Q. Is there anything additional that we didn't ask you
7 about that you think might help us in our investigation?

8 A. No. You, you were pretty thorough. Okay, if this
9 would help you get -- to get the message about the -- how the
10 response was good and why that is, that this is for the city of
11 San Francisco, the communications, they're okay, that those
12 issues. You understand the volunteer program. I'm just trying
13 to think of the things we got -- you know what I mean. You
14 know about the volunteer program, and I think that's pretty
15 good.

16 I mean I think, you know, that overall I think if we
17 can let the death -- the dust settle, you know, and look at
18 this as an oil spill, actually oil spill response, I would say
19 it was a very good response on that. Trying to leave the
20 politics out. I'll leave the notifications and all that, you
21 know, and we get the NTSB, then the, then the congresswoman,
22 then the senator, then -- if they don't have investigations,
23 then they are going to want all these questions after, see.
24 They got what the -- this is what sent to -- typed, typed the
25 little things to the Commandant, went back and forth, you know,

1 every 3 hours. They're asking all these Q -- what we call Q
2 and As, questions and answers from the senator, you know, and
3 all -- you know, now they got to go to the Commandant, you
4 know, you know, all this is making things more complicated and
5 putting more pressure not just on us but on the Coast Guard
6 Headquarters, you see. Now Coast Guard Headquarters, who isn't
7 even here, is feeling all this pressure. You, you see what I'm
8 saying? And now they got to do something. You see what I'm
9 saying there? That's, that's -- see, so that's -- it's hard to
10 paint the picture for you if you weren't there to see the, the
11 pressures that were involved, you know, because there is always
12 a pressure involved in doing this -- and dealing with all the
13 personalities of people that get to do that but -- because of
14 all this additional congressional editorial pressure and,
15 and -- the Governor, well, the Governor was pretty good. He
16 wasn't really a problem, you know, and all that, you know.
17 That made things more complicated and all that, and then the
18 fact that every single thing was being looked at, so if you
19 made any mistake at all, which making mistakes happens. I
20 mean, you know, I don't know any -- that runs perfect. You
21 know, I mean there are things -- things get -- that's just
22 because it's just such a big operation. There's a lot to do
23 and, and some things that -- and some things you don't, you
24 know. So, so it just happens, you know, and, and how things
25 got, you know, held so, so accountable. You know, that, that

1 kind of stuff where of course you're accountable, but you know,
2 the repercussions aren't, aren't as serious -- so just, just
3 so, you know, when we -- once you let the dust settle, then we
4 can figure that out. Okay.

5 Q. Thank you.

6 A. You're welcome.

7 UNIDENTIFIED MALE SPEAKER: Eric, any questions?

8 ERIC: Nothing further. Thank you.

9 UNIDENTIFIED MALE SPEAKER: Zeke?

10 ZEKE: Nothing.

11 BY UNIDENTIFIED MALE SPEAKER:

12 Q. I have two questions. Captain, to the best of your
13 knowledge, did the San Francisco fireboat equipment do any type
14 of oil spill cleanup or have any people -- that you know of?

15 A. No. That was the joke that, you know, they would
16 pick up the oil with their coffee cups --

17 (Laughter.)

18 CAPT UBERTI: -- like I said he -- was in the
19 correct -- because we were so -- to anyone that could help,
20 that's all. You know --

21 UNIDENTIFIED MALE SPEAKER: I won't even ask the
22 next --

23 UNIDENTIFIED MALE SPEAKER: Okay. All right, last
24 opportunity. Any questions?

25 (No audible response.)

1 UNIDENTIFIED MALE SPEAKER: Captain, is there
2 anything you want to add before we --

3 CAPT UBERTI: I'd like to -- you know, for your guys.
4 So I'd say -- again I'd say I was just -- I would have hoped,
5 see, I would have just hoped that -- I would have hoped that,
6 that we just got more support from -- I, I expected the
7 politicians to fold, you know, that they -- my experience --
8 you know, this isn't the first time I ever had to deal with
9 politicians. At all the other ports I did, and normally what
10 happens is on the first day, if at all, okay, they will support
11 you. But then as things go, they will just evaporate. You
12 know, when this is all over, they all are your friends again.
13 I mean that's just the, that's just the way politicians are,
14 and I expected that. Okay, but when I -- what I was hoping for
15 too was that, that our hierarchy would have helped, you know,
16 and all this -- in other words, all this pressure that they
17 would be able to hold off -- but they weren't. They weren't
18 able to but that's, you know, that was my --

19 My attitude to me was, you know, and I was talking
20 about this on Friday, okay, we're doing everything we can
21 possibly do to turn things, and we can't do it. So we said
22 we're just going to keep fighting. You take the hits, and you
23 keep fighting, and you just keep doing it until it's all done
24 and you -- like I said, if you like us, you like us. If you
25 don't like us, you don't like us. You know what I mean, right?

1 You know what I mean? But we're going to get it done and then
2 hopefully, you know, when things, you know, calm down a little
3 bit, you know, then it will say -- that's what happened with
4 the City of San Francisco. By about the fourth day, they were,
5 they were -- and I didn't mean to yell at you, and I -- you
6 know, now that you changed -- you're going to have to forget
7 who's better, you know, da da da da, and so, so things
8 smoothed.

9 So by the time I handed it over to Captain Gunn
10 (ph.), things were, well, I mean he didn't have to worry
11 about -- he just took it like a regular oil spill. All the --
12 I wasn't -- the only controversial stuff, all the big issues
13 were done. See, every day I kept saying to myself, you know,
14 you got to get back to the sector. I had all these other
15 things I had to do, and I said okay, I'll turn this over to the
16 strike team and let them be the FOISC for a day or -- and every
17 day when I went to do that, something else came up that day
18 that like I had to personally handle, like the volunteer thing
19 or other issues that came up. You know what I mean? I said
20 okay, well, tomorrow I'll -- you know, and tomorrow is another
21 day, you know, because every day was something big that had to
22 be dealt with.

23 Anyway, so that's it.

24 UNIDENTIFIED MALE SPEAKER: What is FOIC?

25 CAPT UBERTI: FOISC?

1 UNIDENTIFIED MALE SPEAKER: Yeah.

2 CAPT UBERTI: Federal On Scene Coordinator. That
3 means the oil spill guy.

4 BY UNIDENTIFIED MALE SPEAKER:

5 Q. And, and one last question. Tomorrow we are going to
6 see the Admiral and is it Capt. Wong (ph.)? Are there any
7 questions that you think we should ask them?

8 A. You can ask them the same questions, you know, and
9 all that. I -- not really. You know, I mean I think, I
10 think -- something that you might want to just point out is
11 Capt. Wong, he's the -- who became the, the acting sector
12 commander was actually out of the country for the first 3 weeks
13 so --

14 Q. Yeah, that's why I'm kind of curious about
15 interviewing him. But, but -- because he wasn't here. He
16 wasn't here.

17 A. He was totally out of the country on this day so
18 he --

19 Q. But he's, he's standing by. We all want to talk to
20 him.

21 A. Well, I mean I guess you can ask him about procedures
22 and stuff but, you know, he wasn't there for the spill.

23 Q. About procedures, which, which --

24 A. Any procedures, you know, how are things reported,
25 what, you know, that kind of stuff, you know what I mean.

1 UNIDENTIFIED MALE SPEAKER: All right, if there are
2 no further questions, let's terminate the interview. It's now
3 1726.

4 (Whereupon, at 5:26 p.m., the interview in the above-
5 entitled matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: M/V COSCO BUSAN/BRIDGE ALLISION
 SAN FRANCISCO, CALIFORNIA
 Interview of CAPT William Uberti

DOCKET NUMBER: DCA-08-MM-004

PLACE:

DATE: January 28, 2008

was held according to the record, and that this is the
original, complete, true and accurate transcript which has been
compared to the recording accomplished at the hearing.

Mary Anne Jones
Transcriber

Lisa Fuerstenberg
Transcriber

Karen Ehatt
Transcriber